

# JOURNAL OF THE FLORIDA SENATE

Monday, March 27, 1972

The Senate was called to order by the President at 11:00 a.m.  
A quorum present—43:

Mr. President	Deeb	Johnson (34th)	Poston
Arnold	de la Parte	Karl	Reuter
Barrow	Ducker	Knopke	Saunders
Beaufort	Fincher	Lane	Sayler
Bell	Graham	Lewis (33rd)	Scarborough
Bishop	Gunter	Lewis (43rd)	Stolzenburg
Peterson	Haverfield	McClain	Ware
Brantley	Henderson	Myers	Weber
Broxson	Hollahan	Ott	Weissenborn
Childers	Horne	Plante	Wilson
Daniel	Johnson (29th)	Pope	

Excused: Senators Boyd and Barron to fulfill their duties as chairman and vice chairman of the Committee on Reapportionment and Redistricting; Senators Williams and Trask for a portion of the morning session for the purpose of working on the conference committee report on the general appropriations bill.

Prayer by Senator Hollahan:

Our Father, Your word promises that where two or more are gathered in your name that you would be there also. We are claiming that promise now as we meet today in your name—because we need you—especially this last week of our regular business of the session.

The enormity of our duties would overwhelm us and we would dedicate what you have said simply . . . to care about others as we care about ourselves . . . help us to stand in the shoes of the needy today.

Teach us compassion, lend us Your wisdom and be ever with us. Amen.

The Senate pledged allegiance to the flag of the United States of America.

The Journal of March 24 was corrected and approved.

## REPORTS OF COMMITTEES

The Committee on Ways and Means recommends the following pass:

SB 338 with 3 amendments	HB 4319
SB 854 with 3 amendments	HB 4323 with 6 amendments
CS for HB 3141	

The bills were placed on the calendar.

The Committee on Ways and Means recommends a Committee Substitute as recommended by Committee on Public Schools for SB 1077 with 1 amendment

The bill with Committee Substitute attached was placed on the calendar.

The Committee on Ways and Means recommends the following not pass:

SB 394

The bill was laid on the table.

## ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred SB 605 with 1 Senate amendment and 3 House amendments reports that the Senate and House amendments have been incorporated and the bill is returned herewith.

*ELMER O. FRIDAY*  
*Secretary of the Senate*

The bill was ordered enrolled.

Your Engrossing Clerk to whom was referred SB 1291 with 4 amendments to engross the technical impact (equivalencies) of the amendments into the bill reports that the Senate amendments have been incorporated and the bill is returned herewith.

*ELMER O. FRIDAY*  
*Secretary of the Senate*

The bill was certified to the House.

## ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

SB 709                      SB 1020                      SB 1078

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on March 27, 1972.

*ELMER O. FRIDAY*  
*Secretary of the Senate*

Your Enrolling Clerk to whom was referred—

SB 625                      SB 890                      SB 1151

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on March 27, 1972.

*ELMER O. FRIDAY*  
*Secretary of the Senate*

On motion by Senator Lewis (33rd), unanimous consent was obtained to introduce out of order—

By Senators Thomas, Lewis (33rd), Arnold, Barron, Barrow, Beaufort, Bell, Bishop, Boyd, Brantley, Broxson, Childers, Daniel, Deeb, de la Parte, Ducker, Fincher, Gong, Graham, Gunter, Haverfield, Henderson, Hollahan, Horne, Johnson (29th), Johnson (34th), Karl, Knopke, Lane, Lewis (43rd), McClain, Myers, Ott, Peterson, Plante, Pope, Poston, Reuter, Saunders, Sayler, Scarborough, Stolzenburg, Trask, Ware, Weber, Weissenborn, Williams and Wilson—

SR 1294—A resolution designating April 21, 1972, as Missile, Space and Range Pioneer Day.

WHEREAS, on July 24, 1950, a small group of scientists and engineers fired a captured German V-2 rocket coupled with a WAC Corporal second stage, called Bumper 8, and

WHEREAS, Bumper 8 was a success and with it came the confidence to follow the dream to land a man on the moon following that first historic launch, and during the ensuing two decades, United States missile and space technology grew by leaps and bounds, and

WHEREAS, the dream came true when two Apollo 11 astronauts made man's first footprints on the surface of the moon, and

WHEREAS, with the growth of Cape Canaveral, now Cape Kennedy, and the increased emphasis placed on exploring the vastness of space, the Cape has become internationally known, and

WHEREAS, the exploration of space is one of Florida's largest industries affecting not only the lives of Floridians today but determining the future of all mankind, and

WHEREAS, during the past decade Brevard County has become the home of the United States great Missile and Space Program which has seen man's dreams of probing the universe brought to reality and has kept our nation's defensive capabilities at a strength so vital in this age of world strife and uncertainty, and

WHEREAS, it has been largely due to the foresight, intelligence, and extraordinary effort given by those persons connected with the space missions that our nation has achieved such magnificent benefits of accomplishment, and

WHEREAS, the group known as the Missile, Space and Range Pioneers, Incorporated, is a chartered nonprofit Florida organization made up of men and women who were instrumental in developing this nation's space efforts, and

WHEREAS, the contributions of these men and women, through their highly sophisticated skills, are required for this greatest of all man's adventures and these individuals deserve the recognition of all, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That April 21, 1972, be designated as Missile, Space and Range Pioneer Day in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Missile, Space and Range Pioneers, Incorporated.

—which was read the first time by title.

On motion by Senator Lewis (33rd), by two-thirds vote SR 1294 was read the second time in full and unanimously adopted.

On motion by Senator Hollahan by two-thirds vote, Rule 2.12 relating to time of reporting by standing committees was suspended for the remainder of the session.

On motion by Senator Hollahan, Rule 4.14 requiring fifteen minutes' notice was waived and unanimous consent was obtained to take up out of order—

HB 3772—A bill to be entitled An act relating to ad valorem taxation; amending section 193.461, Florida Statutes, to provide for classification of lands as agricultural for assessment purposes; amending section 193.501, Florida Statutes, to provide for classification of lands as outdoor recreational or park lands for assessment purposes; providing qualifications, procedures and methods; providing for conveyances and covenants relating to development rights and restrictions on outdoor recreational and park land use; providing for applications; providing assessment factors to be used on qualified lands; providing for procedures to repurchase certain rights and convert the use of certain lands; providing an effective date.

—which was read the second time by title.

**Senator Broxson presiding.**

Senator Weber moved the adoption of the following amendment which failed:

**Amendment 1**—Line 12, page 13, strike: everything beginning with line 12 through and including line 14 on page 13 and insert:

Section 3. Section 193.502 is created to read as follows:

193.502 Tax on lands under moratorium.—During the effective period of any moratorium imposed by the state of Florida or any political subdivision thereof which prohibits the improvement or development of real property, tax assessors shall be required to assess such property only on the basis of the use to which the property may reasonably be expected to be put under the terms of the moratorium; provided, however, the provisions of this section shall not affect the pro rata levy, assessment or collection of ad valorem taxes for any portion of a calendar year during which such moratorium shall not be in effect, and provided further that ad valorem taxes shall be reduced on a pro rata basis only during that period during which the moratorium is in effect. If ad valorem taxes have been paid for a portion of a calendar year during which such a moratorium may be in effect, then upon application duly made to the tax collector, the taxpayer shall be entitled to receive a pro rata refund of such taxes.

Section 4. This act shall take effect July 1, 1972, and shall apply to ad valorem assessments and taxes levied after December 31, 1972.

**The President presiding.**

The Committee on Ways and Means offered the following amendment which was moved by Senator Gunter and failed:

**Amendment 2**—On page 12, line 18 move present (6) and make it (7) and create new (6) as follows:

(6)(a) If the board elects to accept conveyance of development rights under this subsection, such improvements as may be necessary for proper utilization of the property so conveyed for public recreation purposes may be effected.

(b) Since the board of trustees of the internal improvement trust fund holds title to most state lands as a ministerial function, and leases property to various state departments for specific purposes, such a lease shall not be construed as a further conveyance of rights to other than the fee simple owner.

(c) The development rights conveyed under this subsection to the board shall be for public outdoor recreation purposes, as contemplated in section 196.28, Florida Statutes.

On motion by Senator Hollahan, by two-thirds vote HB 3772 was read the third time by title, passed and certified to the House immediately. The vote was:

**Yeas—37**

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Sayler
Beaufort	Fincher	Knopke	Stolzenburg
Bell	Graham	Lane	Ware
Bishop	Gunter	Lewis (33rd)	Weber
Peterson	Haverfield	Lewis (43rd)	Weissenborn
Brantley	Henderson	McClain	Wilson
Broxson	Hollahan	Myers	
Childers	Horne	Ott	
Daniel	Johnson (29th)	Plante	

**Nays—None**

By unanimous consent Senators Ducker, Barrow and Saunders were recorded as voting yea.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Karl, HB 2973 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

On motion by Senator Sayler, unanimous consent was obtained to introduce out of order—

By Senators Sayler, Ware and Deeb—

SB 1293—A bill to be entitled An act relating to Pinellas County; amending Section 1 of Chapter 23483, Laws of Florida, Special Acts of 1945, as amended by Chapters 25500 and 26356, Laws of Florida, Special Acts of 1949, and Chapter 70-849, Laws of Florida, Special Acts of 1970, to provide that the appointed members of the board of juvenile welfare shall be appointed by the board of county commissioners of Pinellas County; amending Section 1 of Chapter 24826, Laws of Florida, Special Acts of 1947, as amended by Chapter 26356, Laws of Florida, Special Acts of 1949, to provide that the board of county commissioners of Pinellas County shall have the right to change or modify the budget of the board of juvenile welfare; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1293.

—was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

**The Senate resumed—**

#### CONFERENCE COMMITTEE REPORT ON SB 239

The Honorable Jerry Thomas  
President of the Senate

March 23, 1972

The Honorable Richard A. Pettigrew  
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two Houses on Senate Bill 239, same being:

An act relating to education; amending section 236.04, Florida Statutes; providing a method of payment to school districts for the salaries paid to elementary school counselors employed in the district; providing a method of allocating funds; providing an appropriation; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate and House of Representatives adopt the Conference Committee Amendments attached hereto, and by reference made a part of this report.

John R. Broxson  
D. Robert Graham  
Harold S. Wilson

T. Terrell Sessums  
John R. Clark  
Van B. Poole

Managers on the part of the Senate

Managers on the part of the House of Representatives

**Conference Committee Amendment 1**—On page 1, line 12 strike everything after the enacting clause and insert: Section 1. Section 236.04, Florida Statutes, is amended by adding a new subsection (9) to read:

**236.04 Procedure for determining number of instruction units.—**

(9) Units for elementary school counselors.—

The department of education is authorized to allocate instructional units for elementary school counselors to the districts in the same ratio as the average daily attendance of the district to the average daily attendance of the state for the prior year in grades 1-6 for the employment of certified elementary school counselors. These units shall not earn special teacher service units.

Section 2. The present subsection (9) of section 236.04, Florida Statutes, is renumbered as subsection (10) and amended to read:

**236.04 Procedure for determining number of instruction units.—**

~~(9)~~ (10) Total instruction units.—The total number of instruction units for each county for apportionment purposes shall be determined by adding together the number of instruction units for instructional personnel authorized in subsections (1) through ~~(8)~~ (9) for kindergarten through grades twelve.

Section 3. There is hereby appropriated to the department of education from the general revenue fund the sum of two million eight hundred thousand dollars (\$2,800,000) to carry out the purposes of this act.

Section 4. This act shall take effect on July 1, 1972.

**Conference Committee Title Amendment 2**—On page 1, line 4 strike all of the title and insert: An act relating to education; amending section 236.04, Florida Statutes; providing instruction units for certified elementary school counselors; providing an appropriation; providing an effective date.

On motion by Senator Broxson, the Conference Committee Report was read the second time.

On motion by Senator Broxson, the Conference Committee Report was accepted as an entirety. On motions by Senator Broxson, Conference Committee amendments 1 and 2 were adopted, SB 239 passed as further amended and the action of the Senate was certified to the House. The vote was:

**Yeas—24**

Peterson  
Broxson  
Childers  
Daniel  
de la Parte  
Fincher

Graham  
Gunter  
Haverfield  
Hollahan  
Horne  
Johnson (29th)

Karl  
Knopke  
Lewis (43rd)  
McClain  
Myers  
Ott

Plante  
Reuter  
Saunders  
Saylor  
Scarborough  
Ware

**Nays—12**

Arnold  
Bell  
Bishop

Brantley  
Deeb  
Henderson

Johnson (34th)  
Lane  
Lewis (33rd)  
Stolzenburg  
Weber  
Wilson

By unanimous consent Senators Weissenborn, Ducker, Poston and Beaufort were recorded as voting yea.

**MESSAGE FROM THE GOVERNOR**

The Governor advised that he had filed in the office of the Secretary of State, SB 172 and CS for SB 169 which he had approved on March 27, 1972.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The Honorable Jerry Thomas  
President of the Senate

March 24, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 305.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

The Honorable Jerry Thomas  
President of the Senate

March 27, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 1273.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

The Honorable Jerry Thomas  
President of the Senate

March 27, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 397.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

The bills contained in the above messages were ordered enrolled.

The Honorable Jerry Thomas  
President of the Senate

March 24, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House amendment 1 and passed as further amended—  
SB 978

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

The bill was ordered engrossed.

The Honorable Jerry Thomas  
President of the Senate

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Commerce—

CS for SB 771—A bill to be entitled An Act relating to housing; providing for organization of a non-profit housing development corporation; providing for definitions, purposes, examination, reports, management and dissolution of such corporation; providing powers of such corporation; providing that corporations organized under the laws of Florida or transacting business in Florida are authorized to purchase, hold, and dispose of the securities of such corporation; providing that

financial institutions are authorized to become stockholders and make loans to such corporation subject to certain limitations; providing that financial institutions are authorized to acquire the securities and stock of such corporation; providing severability; providing liberal interpretation; providing for superseding other inconsistent laws; providing an effective date.

#### Amendment 1

On page 2, between lines 8 and 9, insert the following:

#### 420.005 Requirements for Governor's Reports.—

(1) Not later than February 1, 1973, the governor shall make a report to the legislature setting forth a plan, to be carried out over a period of twelve years (June 30, 1973, to June 30, 1985), for the elimination of all substandard housing and the realization of the goal referred to in this act. Such plan shall:

(a) indicate the number of new or rehabilitated housing units which it is anticipated will have to be provided, with or without federal and state government assistance, during each fiscal year of the twelve-year period, in order to achieve the objectives of the plan, showing the number of such units which it is anticipated will have to be provided under each of the various federal and state programs designed to assist in the provision of housing;

(b) indicate the reduction in the number of occupied substandard housing units which it is anticipated will have to occur during each fiscal year of the twelve-year period in order to achieve the objectives of the plan;

(c) provide an estimate of the cost of carrying out the plan for each of the various federal and state programs and for each fiscal year during the twelve-year period;

(d) make recommendations with respect to the legislative and administrative actions necessary or desirable to achieve the objectives of the plan; and

(e) provide such other pertinent data, estimates, and recommendations as the governor deems advisable.

Such report shall, in addition, contain a projection of the residential mortgage market needs and prospects during the coming year, including an estimate of the requirements with respect to the availability, need, and flow of mortgage funds (particularly for low and moderate income families) during such year, together with such recommendations as may be deemed appropriate for encouraging the availability of such funds.

(2) On November 15, 1973, and on each succeeding year through 1986, the governor shall submit to the legislature a report which shall:

(a) compare the results achieved during the preceding fiscal year for the completion of new or rehabilitated housing units and the reduction in occupied substandard housing with the objectives established for such year under the plan;

(b) if the comparison provided under paragraph (a) shows a failure to achieve the objectives set for such year, indicate (i) the reasons for such failure; (ii) the steps being taken to achieve the objectives of the plan during each of the remaining fiscal years of the twelve-year period; and (iii) any necessary revision in the objectives established under the plan for each such year;

(c) project residential mortgage market needs and prospects for the coming calendar year including an estimate of the requirements with respect to the availability, need, and flow of mortgage funds (particularly for low and moderate income families) during such period, in order to achieve the objectives of the plan;

(d) make recommendations with respect to any additional legislative or administrative action which is necessary or desirable to achieve the objectives of the plan; and

(e) provide such other pertinent data, estimates, and recommendations as the governor deems advisable.

(3) To advise and assist in the development of the statistics, analyses, and recommendations required by this section, the governor shall appoint an advisory committee consisting of

housing experts, participants in the various phases of the housing process, and such other members deemed appropriate to the purposes of this section.

#### Amendment 2

On page 1, line 4, after semicolon insert the following: providing for promulgation of housing goals and reports;

—and requests the concurrence of the Senate therein.

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

Senator Thomas offered the following amendment to House Amendment 1 which was adopted on motion by Senator Myers:

**Amendment 1—Strike all of House Amendment 1, and restate House amendment 1 in the proper place, and following the last period in House amendment 1 insert the following: 420.123 Stockholders; loan requirement.—(1) Any financial institution may request membership in the corporation by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board. Each member stockholder of the corporation shall make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors subject to the following conditions:**

(a) All loan limits shall be established at the thousand dollar amount nearest to the amount computed in accordance with the provisions of this section.

(b) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed twenty times the amount then paid in on the outstanding capital stock of the corporation.

(c) The total amount outstanding on loans to the corporation made by any member at any one time, when added to the amount of the investment in the capital stock of the corporation then held by such member, shall not exceed:

1. Twenty per cent of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned.

2. The following limit, to be determined as of the time such member becomes a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or in the case of an insurance company, its last annual statement to the department of insurance; five per cent of the capital and surplus of commercial banks and trust companies; five per cent of the total outstanding loans made by savings and loan associations, and building and loan associations; five per cent of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; five per cent of the unassigned surplus of mutual insurance companies, except fire insurance companies; one fifth of one per cent of the assets of fire insurance companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.

(2) Subject to subsection (1)(c)1., each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call.

(3) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, which shall be freely transferable at all times, and which shall bear interest at a rate of not less than one-quarter of one per cent in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of the issuance thereof on unsecured commercial loans.

AND on page 7, line 14 of the bill following the semicolon, strike the balance of paragraph (4) and insert the following: provided the board of directors shall be elected by and from the stockholders of the corporation; the board of directors shall consist of twenty-one (21) members; however five of such members shall consist of the following persons who shall be non-voting members: the secretary of the department of community affairs or his designee, the head of the department of banking and finance or his designee, the head of the department of insurance or his designee, one (1) state senator appointed by the president of the senate and one (1) representative appointed by the speaker of the house of representatives.

On motions by Senator Myers, the Senate concurred in House amendment 1 as amended and in House amendment 2 to CS for SB 771.

CS for SB 771 passed as further amended, and the action of the Senate was certified to the House. The vote was:

Yeas—36

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Beaufort	Fincher	Knopke	Saylor
Bell	Graham	Lane	Scarborough
Peterson	Gunter	Lewis (33rd)	Stolzenburg
Brantley	Haverfield	Lewis (43rd)	Ware
Broxson	Henderson	McClain	Weber
Childers	Horne	Myers	Weissenborn
Daniel	Johnson (29th)	Plante	Wilson

Nays—1

Bishop

By unanimous consent Senators Ducker and Poston were recorded as voting yeas.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 27, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has adopted—

By the Committee on General Legislation and others—

HCR 4420—A concurrent resolution expressing deep regrets over the passing of Representative Howell Eugene Lancaster.

WHEREAS, Howell Eugene Lancaster, a longtime member of the House of Representatives, departed from this life on January 5, 1972, and

WHEREAS, Mr. Lancaster was a native son of this state and was born in the town of Eugene on July 31, 1911, and

WHEREAS, Mr. Lancaster received his education in the public schools of Florida and the University of Florida, and

WHEREAS, Mr. Lancaster was the devoted husband of Virginia Deen Lancaster and the father of Linda Ann and Howell Eugene, Junior, and

WHEREAS, Mr. Lancaster was an active farmer, cattleman, and businessman, and

WHEREAS, Mr. Lancaster served in many capacities in civic organizations in his home county of Gilchrist, including the Trenton Rotary Club, Gilchrist County Chamber of Commerce, and Gilchrist County Farm Bureau, and

WHEREAS, Mr. Lancaster deeply cherished the ideals embodied in the American form of democratic government and was a life-long member of the Democratic Party, and

WHEREAS, Mr. Lancaster had rendered valuable public service as Mayor of the City of Trenton, and

WHEREAS, Mr. Lancaster, at the time of his passing, was the duly elected district fifteen member of the House of Representatives, embracing the counties of Gilchrist, Levy, Dixie, Suwannee, and Hamilton, and

WHEREAS, Representative Lancaster had rendered unselfish public service for eleven terms, spanning twenty-one years in the House of Representatives, and was third in seniority in this body, and

WHEREAS, Representative Lancaster served on numerous legislative committees throughout his long tenure in the House of Representatives and at the time of his passing was chairman of the committee on agriculture and citrus, and an active member on the committees on rules and calendar, finance and taxation, and business regulation, and

WHEREAS, Representative Lancaster was respected and honored by members of the House of Representatives and Senate of the state for his unique ability to lead, befriend, and unite people of differing attitudes, backgrounds, ages, and philosophies for a common purpose or goal, and

WHEREAS, Representative Lancaster was a gentleman of great honor and integrity who could be a formidable foe or a fast friend, and was a source of stability in changing times and a man whose word was his bond, and

WHEREAS, Representative Lancaster was a man of the people and took great pride in attending to their needs, and

WHEREAS, his personal effort toward building the Florida Youth Development Center in Trenton attests to his willingness to help others, and

WHEREAS, Representative Lancaster was a man of the soil and championed Florida agriculture in order that there would be a continuing abundant supply of food and fiber for us all, and

WHEREAS, Representative Lancaster's last major legislative goal was the full realization of the College of Veterinary Medicine at the University of Florida, and he was dedicated to such an institution which would provide health resources to animals and man through teaching and research, NOW, THEREFORE,

*Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:*

That the presence of Representative Howell Eugene Lancaster will be sorely missed in the House of Representatives and the irreplaceable loss of such an outstanding statesman will be felt, not only by his family, friends and colleagues, but also by the state he so dearly loved.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted by the Secretary of State to Mrs. Virginia Lancaster, Howell Eugene Lancaster, Junior, of Trenton, and Miss Linda Ann Lancaster of Orlando, and that a copy be spread upon the pages of the Journal of the House of Representatives.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HCR 4420, contained in the above message, was read the first time and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

On motion by Senator Saunders, HCR 4420 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and placed on the calendar.

On motion by Senator Saunders, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up HCR 4420 out of order.

On motions by Senator Saunders, by two-thirds vote, HCR 4420 was read the second time by title, unanimously adopted and certified to the House.

On motion by Senator Weissenborn, the following remarks were ordered spread upon the Journal.

Senator Saunders: Probably most of you here knew Representative Lancaster longer than I. I doubt, though, that any

of you got to know or love him better, because I had the privilege of serving with him, sharing with him his home county of Gilchrist as well as Levy and Dixie Counties. I had heard of Howell Lancaster for many years, before I had the privilege of knowing him. I knew him by his great reputation. A man is not given a reputation. He builds it! I had looked forward to getting to know this man and to having an opportunity of working with him. Getting to know him was a privilege I had that some of you did not, and you really missed something. Howell Lancaster was, in my book, one of the biggest men who ever walked the halls of this legislature. One who, I think, successfully made the transition to today's times. He did not look at his area of the State exclusively but he truly was a State Representative. He played hard ball, yes, but he was a fair man, had a wonderful family and it was a rare privilege that I had to serve with him. I hope that each of you will join with me in adopting this resolution in memory of a very great man.

Senator Bishop: I knew Howell Lancaster probably as long as any man in this Chamber. I had known him 25-plus years at least. It was my pleasure to serve with him in the House of Representatives back in the '50s. I have never known a person who was more highly regarded by all members of the Legislature, both the House and the Senate as to his integrity and his ability. He was a man who was loved and admired by all who knew him. It was my privilege also to serve with him in representing two counties which he represented in the House and I represent in the Senate. I can say to you that I know of no man that had more compassion for his fellow man than did Howell Lancaster. He was highly regarded in all facets of life. He was, in my opinion, one of the most effective members who ever served in these hallowed halls. He fought hard, he lost gracefully . . . he was always a man of his word, a man of great integrity, and certainly the passing of Representative Howell Lancaster was a loss to each and every member of this Legislature and to each person in the State of Florida. I would suggest, Mr. President, that we ask the Senate to stand in a moment of silent prayer in memory of his passing.

Whereupon, the Senate stood in a moment of silent prayer.

On motion by Senator Reuter, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up out of order—

HCR 3511—A concurrent resolution expressing regret over the passing of former Representative O. L. Burton.

WHEREAS, the House has learned with regret of the passing of O. L. Burton, who represented Brevard County in the House of Representatives for five terms, from 1946 until 1956, and

WHEREAS, Mr. Burton distinguished himself as a law-maker by giving leadership to the passage of such milestone measures as the Minimum Foundation Program, the Quality Citrus Code, and state aid for eradication of mosquitos, sand flies and similar pests, and

WHEREAS, Mr. Burton served with distinction in the House of Representatives on such committees as the Committee on Citrus Fruits, Rules and Calendar, Public Roads and Highways, Industrial Development, Mental Health, and Public Utilities, and,

WHEREAS, Mr. Burton was active in the civic, fraternal and governmental affairs of his community and county, having been a charter member of the Elks Club of Melbourne, a long-time member of the Kiwanis Club of Melbourne, chairman of the Rationing Board for Brevard County during World War II, chairman of the Brevard Heart Fund, and City Clerk of Eau Gallie, NOW, THEREFORE,

**Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:**

1. That the Legislature expresses its regret over the passing of former Representative O. L. Burton, whose distinguished service in the House of Representatives was indeed worthy of emulation, and

2. That a copy of this resolution, signed by the Constitutional officers of the House of Representatives and the Senate, be certified by the Secretary of State, under the Great Seal of the State, to Mrs. Burton as a symbol of the sympathy expressed to her by each member of the Legislature.

—which was read the second time by title. On motion by Senator Reuter, HCR 3511 was unanimously adopted and certified to the House.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 23, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Judiciary—Civil B—

CS for SB 1155—A bill to be entitled An act relating to ad valorem taxation; amending Chapter 196.011, Florida Statutes, providing for application for such exemption shall not apply to public roads rights-of-way and borrow pits; providing for the moneys to reimburse the science center, a tax-exempt educational institution located in Pinellas County, Florida, for payment of certain paid ad valorem taxes; providing an effective date.

Which amendment reads as follows:

On page 2, line 19, strike all of lines 19—21 and insert the following: *governmental use and benefit or on property owned and used exclusively by a municipality for municipal or public purposes in order for such property to be released from all ad valorem taxation.*

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

Senators Sayler, Horne, Knopke and Ware offered the following amendment to the House amendment which was adopted on motion by Senator Sayler:

**Amendment 1**—In the House amendment strike *and used exclusively by a municipality for municipal or public purposes* and insert:

*by any governmental unit which is entitled to exemption under the provisions of §196.199*

On motion by Senator Sayler, the Senate concurred in the House amendment as amended to CS for SB 1155.

CS for SB 1155 passed as further amended, and the action of the Senate was certified to the House. The vote was:

Yeas—37

Mr. President	de la Parte	Knopke	Sayler
Arnold	Ducker	Lane	Scarborough
Beaufort	Graham	Lewis (33rd)	Stolzenburg
Bell	Gunter	Lewis (43rd)	Ware
Bishop	Haverfield	McClain	Weber
Peterson	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Wilson
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	
Deeb	Karl	Saunders	

Nays—None

By unanimous consent Senator Barrow was recorded as voting yea.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 24, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Horne—

SB 1092—A bill to be entitled An act relating to juvenile courts and courts having jurisdiction over violations of federal



law, state law, or local ordinances relating to the operation or use of a motor vehicle; creating sections 316.003(64) and (65), Florida Statutes, to provide definitions; creating section 316.045, Florida Statutes, to provide jurisdiction for juvenile traffic offenses; creating section 316.047, Florida Statutes, to specify custody procedures for juvenile traffic offenders; amending section 39.01(11), Florida Statutes, to provide an exception to the definition of delinquent child; creating section 39.02(22), Florida Statutes, to provide a definition of juvenile traffic offense; amending sections 39.02(1) and (2), Florida Statutes, to provide for juvenile court jurisdiction in traffic cases by waiver only; providing an effective date.

#### Amendment 2

On page 6, line 11, strike all of section 7 and insert the following:

Section 7. Section 959.225, Florida Statutes, is created to read:

#### 959.225 Records; privileged information.—

(1) The department of health and rehabilitative services shall make records regarding the children it serves pursuant to this chapter. The department shall preserve the records pertaining to a child until ten years after discharge and may then destroy them, pursuant to the Florida Archives and History Act, chapter 267, Florida Statutes.

(2) Records regarding children shall not be open to inspection by the public. Such records shall be inspected only upon order of the secretary of the department of health and rehabilitative services or his authorized agent by persons determined to have a sufficient reason and upon conditions for their use and disposition as the secretary or his authorized agent may deem proper. The secretary or his authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his authorized agent may deem proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.

(3) All information obtained in the discharge of official duty relating to youth services by an employee of the department of health and rehabilitative services is privileged. Such information may be disclosed only to other employees of the department who have a need therefore in order to perform their official duty, and to other persons as authorized by the rules and regulations of the department.

Section 8. Subsection (2) of section 39.12, Florida Statutes, is amended to read:

#### 39.12 Seal; records; privileged information.—

(2) The juvenile court shall make and keep records of all cases brought before it and shall preserve the records pertaining to a child until ten years after the last entry was made and may then destroy them, except that records of cases where orders were entered permanently depriving a parent of the custody of a child shall be preserved permanently. The juvenile court shall make official records, consisting of all petitions and orders filed in a case and any other pleadings, certificates, proofs of publication, summons, warrants and other writs which may be filed therein. ~~and shall make social records, consisting of records of investigation and treatment and other confidential information not forming part of the official records. In addition to the foregoing, the juvenile court shall keep a record to be designated "juvenile court statistical card" as to each child on whom a referral has been filed in the court, setting forth full statistical data concerning such child and the grounds for the proceedings involved. The statistical card shall be in such form as provided by the division of youth services. Said card shall on or before the tenth day of each month be delivered to the bureau of statistics, research and planning of the division of youth services of this state and shall be used by the bureau only for the purpose of obtaining the statistical information. The cards shall not be public records and shall be confidential information while in the possession of the bureau. The bureau shall not take or retain any names or addresses from any such cards or other information that would identify a child. It may publish the statistical data so obtained as to any or all counties reporting under this law.~~

Section 9. Subsection (4) of section 39.12, Florida Statutes, as amended by chapter 71-130, Laws of Florida, is amended to read:

#### 39.12 Seal; records; privileged information.—

(4) All information obtained in the discharge of official duty by any judge, counselor, assistant counselor, employee of any juvenile court, ~~authorized agent of the division of youth services~~, or authorized agent of the division of family services shall be privileged and shall not be disclosed to anyone other than the authorized personnel of the juvenile court, ~~the division of youth services, the division of family services, the department of health and rehabilitative services~~, and others entitled under this chapter to receive that information, except upon order of the judge.

Section 10. This act shall take effect October 1, 1972.

#### Amendment 3

In the title, on page 1, lines 3—24, strike all of the title, and insert the following:

A bill to be entitled An act relating to juveniles; creating section 316.045, Florida Statutes, to provide jurisdiction for juvenile traffic offenses; creating sections 316.003(64) and (65), Florida Statutes, to provide definitions; creating section 316.047, Florida Statutes, to specify custody procedures for juvenile traffic offenders; amending section 39.01(11), Florida Statutes, to provide an exception to the definition of delinquent child; creating section 39.01(22), Florida Statutes, to provide a definition of juvenile traffic offense; amending sections 39.02(1) and (2), Florida Statutes, to provide for juvenile court jurisdiction in traffic cases by waiver only; creating section 959.225, Florida Statutes, to provide for the confidentiality of youth services records kept by the department; amending section 39.12(2) and (4), Florida Statutes, to repeal certain duties required of the division of youth services; providing an effective date.

#### Amendment 4

Strike all of section 10 and insert the following:

Section 10. Section 959.11, Florida Statutes, is hereby repealed.

Section 11. Section 959.116, Florida Statutes, is created to read:

959.116 Transfer of minors from the division of corrections to the division of youth services.—

(1) When any person under the age of eighteen years is sentenced by any court of competent jurisdiction to the division of corrections, the secretary of the department of health and rehabilitative services may transfer such person to the division of youth services for the remainder of his sentence, or until his twenty-first birthday, whichever results in the shorter term. If upon such person's attaining his twenty-first birthday his sentence has not terminated, he shall be transferred to the division of corrections, or to the supervision of the parole and probation commission with the commission's consent, or any other transfer which may lawfully be made.

(2) If such person is under sentence for a term of years, after the division of youth services has supervised such person for a sufficient length of time to ascertain that such person has attained satisfactory rehabilitation, the director of the division of youth services, upon determination that such action is in the best interest of the person and society, may relieve such person from making further reports.

(3) When such person has, in the opinion of the department of health and rehabilitative services, so conducted himself as to deserve a pardon or commutation of sentence or the remission in whole or in part of any fine, forfeiture, or penalty, the secretary may recommend that such clemency be extended to such person. In such case the secretary shall fully advise the governor of the facts upon which such recommendation is based.

(4) The division of youth services shall grant gain time for good conduct, may grant extra good time allowances, and may declare a forfeiture of same, as described in sections 944.27-944.29, Florida Statutes. Any person transferred to the division of youth services who is released pursuant to section 944.291,

Florida Statutes, shall be supervised by the division. If any person is transferred to the division of youth services who was sentenced pursuant to section 921.18, Florida Statutes, the director of youth services shall have the authority to determine the exact sentence of such person, but the sentence shall not be longer than the maximum sentence which was imposed by the court pursuant to section 921.18. All time spent in the division shall count toward the expiration of sentence. Any person so transferred to the division of youth services may, at the discretion of the secretary, be returned to the division of corrections.

(5) Any person who has been convicted of a capital felony while under the age of eighteen years shall not be furloughed on juvenile parole without the consent of the governor and three members of the cabinet.

Section 12. This act shall take effect October 1, 1972.

#### Amendment 5

In the title, On page 1, after last semicolon, insert the following:

repealing section 959.11, Florida Statutes; creating section 959.116, Florida Statutes, to provide for the transfer of minors convicted of crimes from the division of corrections to the division of youth services; providing conditions for release;

#### Amendment 6

Strike all of section 12 and insert the following:

Section 12. Section 959.115, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 959.115, Florida Statutes, for present text.)

959.115 Probation or commitment of minors by courts other than juvenile courts.

(1) The judge of any court other than a juvenile court may, as an alternative to other dispositions, commit a minor to the department of health and rehabilitative services for treatment in a youth program outside the correctional system as defined in section 944.02, Florida Statutes, or place a minor on probation to the department of health and rehabilitative services, if the department is willing. A minor is eligible for such commitment or probation if the offense which the minor has been found to have committed was committed prior to the minor's seventeenth birthday.

(2) Upon a plea of guilty or a finding of guilt, the court may refer the case to the department for investigation and recommendation as to the amenability of the minor to treatment in its programs.

(3) In order to utilize this section, the court shall stay and withhold adjudication of guilt and instead shall adjudge the defendant to be delinquent. Such adjudication shall not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction.

(4) The court shall have the power by order to:

(a) Place the minor on probation to the department of health and rehabilitative services for an indeterminate period of time until the minor is twenty-one, or until sooner discharged by order of the court.

(b) Commit the minor to the department of health and rehabilitative services for treatment in a youth program for an indeterminate period of time until the minor is twenty-one, or until sooner discharged by the department.

(5) If a minor proves not to be amenable to treatment, upon application by the department, the court shall have the power by order to:

(a) Commit the minor to the department as described in paragraph (4)(b).

(b) Revoke the adjudication of delinquency and impose the withheld adjudication of guilt. The court may impose any sentence which it may lawfully impose, giving credit for all time in the department.

Section 13. This act shall take effect July 1, 1972.

#### Amendment 7

In the title, on page 1, after last semicolon, insert the following:

amending section 959.115, Florida Statutes, to provide for commitment of minors to the department of health and rehabilitative services by courts other than juvenile courts; providing for orders of probation by courts other than juvenile courts; providing for investigations and recommendations; providing for adjudication of delinquency by courts other than juvenile courts; providing for indeterminate commitments; providing for revocation; providing penalties;

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

On motions by Senator Horne, the Senate concurred in House amendments 2, 3, 4, 5, 6 and 7 to SB 1092.

SB 1092 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

#### Yeas—36

Mr. President	Ducker	Karl	Poston
Arnold	Graham	Knopke	Reuter
Beaufort	Gunter	Lane	Sayler
Bell	Haverfield	Lewis (33rd)	Scarborough
Peterson	Henderson	Lewis (43rd)	Stolzenburg
Brantley	Hollahan	McClain	Ware
Childers	Horne	Ott	Weber
Deeb	Johnson (29th)	Plante	Weissenborn
de la Parte	Johnson (34th)	Pope	Wilson

#### Nays—None

By unanimous consent Senator Daniel was recorded as voting yea.

On motion by Senator Hollahan, the rules were waived and time of adjournment was extended until 12:30 p.m.

On motion by Senator de la Parte, Senate Bills 365 and 1057 and CS for HB 3088 and HB 3012 were withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 23, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Appropriations and Representative Sykes and others—

**HB 3728**—A bill to be entitled An act relating to the division of motor pool; amending section 287.16(1) and (3), Florida Statutes, adding new subsections (10) and (11), creating and limiting executive aircraft pool, providing against the specific assignment of aircraft in the executive aircraft pool and requiring for collection and deposit of fees from persons traveling in the executive aircraft pool; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 3728, contained in the above message, was read the first time by title and referred to the Committees on Transportation and Ways and Means.



*The Honorable Jerry Thomas  
President of the Senate*

March 24, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Universities and Community Colleges—

CS for SB 551—A bill to be entitled An act implementing the provisions of Article VII, Section 15, of the Florida constitution; creating a student loan trust fund; authorizing the issuance of revenue bonds to finance the establishment of the fund subject to the provisions of Article VII, Section 15, and the state bond act; providing that the department of general services, division of bond finance, shall determine the amount of such revenue bonds to be issued, not to exceed \$40,000,000; providing for fees in the student financial aid trust fund to be pledged as security for such bonds; authorizing loans from the fund to students admitted to attend private or public institutions of higher learning, junior colleges, professional nursing diploma schools, or vocational training centers; providing that the loans to be made with the proceeds of the fund shall be determined and approved by the department of education; providing for the administration and operation of the student loan trust fund; authorizing the execution of loan agreements; providing for the term of loans from the fund and for interest and other charges thereon; providing for the department of education to contract with insurance companies for insurance as security in the event of death or disability of the student borrower; providing for participation in the federally insured student loan program; providing that the provisions of this act shall be in addition to the other provisions of chapter 239, Florida Statutes; amending section 8 of chapter 71-372, Laws of Florida, Acts of 1971; providing for validation of the revenue bonds; providing that the provisions hereof shall be separable; providing an effective date.

Amendment 1

In the title, On page 2, line 19, strike "separ-" and insert the following: sever-

Amendment 2

On page 7, line 20, strike "vliad" and insert the following: valid

Amendment 3

On page 4, line 16, strike "six months" and insert the following: one (1) year

Amendment 4

On page 7, line 4, following "act." insert the following: *To the extent that these funds are not required for the purposes of the student loan trust fund, they shall only be used to assist in the funding of the scholarship loan program for state university and public junior college students.*

—and requests the concurrence of the Senate therein.

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

On motions by Senator Graham, the Senate concurred in House amendments 1, 2, 3 and 4 to CS for SB 551.

CS for SB 551 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—36

Mr. President	Daniel	Horne	Poston
Arnold	Deeb	Johnson (29th)	Reuter
Barrow	de la Parte	Johnson (34th)	Saunders
Beaufort	Ducker	Knopke	Saylor
Bell	Graham	Lane	Scarborough
Bishop	Gunter	Lewis (33rd)	Stolzenburg
Peterson	Haverfield	Lewis (43rd)	Ware
Brantley	Henderson	McClain	Weber
Childers	Hollahan	Pope	Wilson

Nays—None

By unanimous consent Senator Weissenborn was recorded as voting yea.

*The Honorable Jerry Thomas  
President of the Senate*

March 24, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senators Weissenborn and Lane—

SB 936—A bill to be entitled An act relating to insurance; authorizing physicians to organize for the purpose of purchasing medical malpractice insurance; providing for the establishment of a medical malpractice risk management trust fund and for the employment of a professional staff; authorizing the fund to purchase coverages for its members; authorizing the department of insurance to promulgate rules and regulations; providing an effective date.

Amendment 1

On page 2, line 10, after the period insert the following: The trust fund as authorized by this act shall not be dissolved for a period of twenty-one (21) years from the time the association agrees to discontinue self-insurance unless first dollar insurance coverage is provided by the insurance market and approved by the insurance department.

Amendment 2

In the title, on page 1, line 12, after the semicolon insert the following: providing that the trust fund shall not be dissolved for a certain period of time;

Amendment 3

In the title, on page 1, lines 5—7, strike "to organize for the purpose of purchasing medical malpractice insurance;" and insert the following: who are organized for purposes other than the purchase of medical malpractice insurance to purchase such insurance;

—and requests the concurrence of the Senate therein.

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

On motions by Senator Lane, the Senate refused to concur in House amendments 1, 2 and 3 to SB 936, and the House was requested to recede therefrom and in the event the House refused to recede, that a conference committee be appointed by the Speaker to meet with a like committee appointed by the President to adjust the differences on the House amendments. The action of the Senate was certified to the House.

Senator Trask was recorded present.

*The Honorable Jerry Thomas  
President of the Senate*

March 24, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator Graham—

SB 597—A bill to be entitled An Act relating to trust fund accounts within the erosion control account; amending section 161.091 (3), Florida Statutes; providing an effective date.

which amendment reads as follows:

On page 1, between lines 22 and 23, insert the following:

(a) Such trust fund accounts shall only be established for projects where local sponsors have created such trust fund accounts for the accumulation of local funds in support of such projects.

(b) The treasurer is directed to deposit such trust funds in an account paying the maximum interest possible, and he shall disburse such funds only at the direction of the department.

(c) The department is authorized to withdraw such funds from any trust fund established in accordance with the provisions of this subsection if for any reason it becomes apparent that the project involved will not be constructed within a reasonable time, and such funds shall be subject to reallocation by the department if other qualified projects are pending, and if no other project is eligible to receive these funds they shall be returned to the erosion control account in the general revenue account.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

On motion by Senator Graham, the Senate concurred in the House amendment to SB 597.

SB 597 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—33

Mr. President	de la Parte	Knopke	Sayler
Arnold	Ducker	Lane	Scarborough
Barrow	Graham	Lewis (33rd)	Stolzenburg
Beaufort	Gunter	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Peterson	Henderson	Plante	Weber
Brantley	Hollahan	Poston	
Childers	Johnson (29th)	Reuter	
Daniel	Johnson (34th)	Saunders	

Nays—None

By unanimous consent Senator Weissenborn was recorded as voting yea.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 27, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has receded from House amendment 1 and passed as further amended—

By Senator Hollahan and others—

SB 983—A bill to be entitled An act relating to the legislature; amending §11.145, Florida Statutes, creating §11.1465, Florida Statutes, amending §11.147, Florida Statutes, as amended by chapter 71-329, Laws of Florida, amending and consolidating §§11.148, 11.1481 and 11.24, Florida Statutes, amending §11.23, 11.241, 11.242 (as amended by chapters 70-169, 70-439 and 71-355, Laws of Florida), 11.243 (as amended by chapters 70-245, 70-439 and 71-355, Laws of Florida), 11.246(2)(a), (b) and (e) (as amended by chapter 70-245, Laws of Florida), and 11.30(10), and repealing §§11.146 (as amended by chapter 71-332, Laws of Florida), 11.1485, 11.19, 11.20, 11.22 (as amended by chapter 71-355, Laws of Florida), 11.244 and 11.27, all Florida Statutes relating to legislative services, procedures and staffing; specifying the functions of the joint legislative management committee; abolishing the legislative service bureau and deleting references thereto; deleting all references to specific divisions of the committee and providing that the committee may organize such divisions as it may deem necessary; providing for an executive director of the committee; specifying services to be provided by the house of representatives and senate to their respective members and committees; abolishing the legislative printing committee, deleting references thereto, and vesting its powers and duties in the joint legislative management committee; deleting references to the legislative drafting service; retaining the present statutory revision plan and deleting references to the statutory revision service as an explicitly established unit; amending §§13.01(2) and 13.10(4), Florida Statutes, relating to the joint legislative committee on interstate cooperation and to the commissioners for the promo-

tion of uniformity of legislation in the United States, to provide that the executive director of the joint legislative management committee shall assume duties formerly assigned to the director of the legislative service bureau and the director of the legislative drafting and statutory revision service; amending §12, chapter 70-200, Laws of Florida, appearing as §163.-561, Florida Statutes, 1971 Supplement, relating to continuing salary and retirement studies by police standards council, to delete reference to legislative service bureau; creating §283.045, Florida Statutes, and amending §§283.05, 283.06(1), (2) and (4), 283.07(1), 283.08, 283.10(1) (as amended by chapter 71-377, Laws of Florida), 283.12, 283.20 (as amended by chapter 70-157, Laws of Florida), 283.205 (as amended by chapter 70-157, Laws of Florida), and 283.25 (as amended by chapters 70-76, 70-157, and 70-439, Laws of Florida), all Florida Statutes, relating to public printing, to assign all functions of the legislative printing committee to the joint legislative management committee; amending §5(1) and (5), chapter 70-259, Laws of Florida, appearing as §370.0211(5)(a) and (e), Florida Statutes, 1970 Supplement, relating to the coastal coordinating council, to delete references to legislative service bureau; providing an effective date.

—and has refused to recede from House amendments 2 and 3—

Amendment 2

On page 35, lines 25 & 26, strike “this class of public printing” and insert the following: *the portion of such printing it determines to let to contract*

Amendment 3

In the title, on page 2, line 23, after “that” insert the following: *an employee appointed by*

—and again requests the Senate to concur.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

On motions by Senator Hollahan, the Senate concurred in House amendments 2 and 3 to SB 983.

SB 983 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—34

Mr. President	de la Parte	Knopke	Sayler
Arnold	Ducker	Lane	Scarborough
Barrow	Graham	Lewis (33rd)	Stolzenburg
Beaufort	Gunter	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Brantley	Henderson	Plante	Weber
Childers	Hollahan	Poston	Wilson
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

By unanimous consent Senators Broxson and Weissenborn were recorded as voting yea.

On motion by Senator Daniel, the rules were waived and the Committee on Governmental Efficiency was granted permission to meet March 28 upon adjournment of the Senate to consider HB 4030 and HB 3801.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 24, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Public Schools—

SB 960—A bill to be entitled An act relating to education, revising various sections of the Florida Statutes comprising the Florida School Code; amending chapter 228, §§229.064,

229.121(4), 229.512(1), (12), 229.543, 229.545, 229.551, 229.781, 229.79, 229.80, 229.808, 230.03(2), (3), 230.22(1), 230.23(1)(a), 230.23(4)(c), (d)1., (h), 230.23(5)(c), 230.23(6)(d), (e), 230.23(7)(b), 230.23(10)(a), (b), (d), (f), (g), (j), (k), 230.23(12), (13), (14), (15), (17), (18), 230.234, 230.241(2), 230.29, 230.33(4), (6)(h), (7)(c), (d), (8)(c), (e), (9)(b), (12), (14), (15), (16), (17), (18), (19), (20), (21), (23), (24), 230.331(2), (3), 230.35, 230.59, 230.631, 230.64(1), 230.741, 230.751, 230.753(1), (3), 230.754(2), 230.760, 230.765(2)(a), 230.767(1), (2)(b), (c), (d), (e), (4), 230.771(1), 230.773, 230.776, 231.06, 231.07, 231.09(7), (12), 231.14, 231.15, 231.20, 231.29(1), 231.46, 231.47, 232.02, 232.03, 232.09, 232.14, 232.141, 232.142, 232.16, 232.17(1), (2)(a), 232.19(6), 232.24, 232.39, chapter 234, §§235.06(2), 235.18, 235.321, 235.34, 236.02(1), (3), 236.03, 236.04(3), (4)(a)1., (8), (9), 236.05, 236.07(3)(c), (5), (7), (8), (9), (10), (12), 236.0725(4), (5), 236.074(3), (4), 236.08, 236.13, 236.24, 236.251, 236.29, 236.35, 236.42, 236.49(2), 236.50, 236.56, 236.612, 236.614, 236.616, 236.617, 236.68, chapter 237, all Florida Statutes; transferring §§231.50, 231.51, 231.52, and 231.53, all Florida Statutes, to chapter 238, Florida Statutes; transferring and renumbering §236.076 as §230.651, Florida Statutes; repealing §§229.063, 229.071, 229.083, 229.544, 229.546, 229.804, 229.809, 229.810, 229.811, 229.812, 229.825, 230.23(11), (16), 230.302, 230.33(8)(d), 230.34, 230.60, 230.61, 230.62, 230.66, 230.758, 230.764(2)(b), 230.770, 231.03, 231.035, 231.05, 231.12, 231.162, 231.171, 231.181, 231.33, 231.35, 232.12, 232.22, 232.42, 235.10, 235.35, 235.36, 235.37, 235.38, 235.39, 236.02(9), (10), 236.031, 236.04(5)(f), 236.07(3)(d), (e), 236.07(6), 236.0705, 236.075, 236.27, 236.28, 236.30, 236.33, 236.44, 236.53, 236.57, 236.58, 236.611, all Florida Statutes; removing obsolete and unnecessary provisions of law; deleting duplications in statutory language; clarifying inconsistencies in statutory language; providing greater operating flexibility to local public school and junior college districts; simplifying distribution formulas for allocation of funds; correcting statutory language to conform to the Florida Constitution and the terminology of chapter 69-106, Laws of Florida, the Reorganization Act of 1969; providing an effective date.

Which amendment reads as follows:

On page 38, lines 2, 3 & 4, strike "unless such policies and programs are forbidden by law or state board of education regulations"

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

On motion by Senator Broxson, the Senate concurred in the House amendment to SB 960.

SB 960 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—37

Mr. President	de la Parte	Lane	Sayler
Arnold	Ducker	Lewis (33rd)	Scarborough
Barrow	Graham	Lewis (43rd)	Stolzenburg
Beaufort	Gunter	McClain	Trask
Bell	Haverfield	Myers	Ware
Peterson	Henderson	Ott	Weber
Brantley	Johnson (29th)	Plante	Weissenborn
Broxson	Johnson (34th)	Poston	
Childers	Karl	Reuter	
Daniel	Knopke	Saunders	

Nays—None

By unanimous consent Senator Hollahan was recorded as voting yea.

Senator Williams was recorded present.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 27, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has receded from House amendment 7 and passed as amended—

CS for SB 501

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

CS for SB 501 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—29

Mr. President	Graham	Lewis (33rd)	Sayler
Beaufort	Gunter	Lewis (43rd)	Stolzenburg
Bell	Haverfield	McClain	Trask
Broxson	Hollahan	Myers	Weber
Daniel	Johnson (29th)	Ott	Williams
de la Parte	Karl	Plante	
Ducker	Knopke	Poston	
Fincher	Lane	Reuter	

Nays—8

Arnold	Brantley	Saunders	Ware
Barrow	Childers	Scarborough	Weissenborn

By unanimous consent Senator Ott changed his vote from yea to nay.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 23, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representatives Whitworth and Spicola—

HB 3378—A bill to be entitled An act relating to appropriations, appropriating ten million dollars (\$10,000,000) to the department of pollution control for state grants to federally approved water and sewer construction projects; providing for rules; providing for an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 3378, contained in the above message, was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

On motion by Senator de la Parte, HB 3378 was withdrawn from the Committee on Natural Resources and Conservation by two-thirds vote.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Yancey and others—

HB 4353—A bill to be entitled An act relating to the City of Lakeland, Polk County; amending §§126, 129(7), and 152

of chapter 59-1481, Laws of Florida; deleting reference to the registration of and limitations in elections to freeholders; amending the oath of electors concerning residency; providing that all elections and/or referendums shall be participated in or approved by all duly qualified electors without limitation to freeholders; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

The Honorable Jerry Thomas  
President of the Senate

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Sims and others—

HB 3388—A bill to be entitled An act relating to zoning in Orange County; amending section 10, chapter 63-1716, as amended by chapters 65-1999, 70-837 and 71-795, all laws of Florida, to provide who can propose changes to zoning districts and to provide for what action the board of county commissioners shall take on the recommendations of the planning and zoning commission and the time after which changes or amendments shall become effective; amending section 15, chapter 63-1716, as amended by chapters 67-1831 and 71-795, all laws of Florida, to specify who may appeal; amending section 19(b), chapter 63-1716, as amended by chapter 67-1831, all laws of Florida, to provide a specific penalty; and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

The Honorable Jerry Thomas  
President of the Senate

March 23, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representatives Randell and Walker—

HB 4051—A bill to be entitled An act relating to Lee County alcoholic beverage licenses; providing for special restaurant licenses under the provisions of FS561.34, Florida Statutes, and subject to the provisions of FS561.20(2), Florida Statutes; providing that restaurants in Lee County, having a seating capacity of no less than two hundred (200) seats at booths and tables, an overall floor capacity of no less than four thousand (4,000) square feet, and deriving no less than fifty-one per cent (51%) of its gross income per annum from the sale of food consumed on the premises, may obtain such special restaurant licenses; providing that the beverage division of the department of business regulation of the state shall administer the issuance and regulation of such special licenses; providing an effective date.

Proof of Publication attached.

By Representative Mixson—

HB 4393—A bill to be entitled An act relating to Jackson County; creating the Jackson County Port Authority; establishing its membership; providing its jurisdiction, powers and duties; providing that it succeed the port authority created for Jackson County pursuant to chapter 59-713, Laws of Florida, as amended by chapter 61-1478, Laws of Florida; ratifying all

contracts and obligations of the port authority created for the county by said chapters; providing for the transfer of all assets of the existing port authority to the port authority hereby created and providing for the assumption of all of the liabilities of the existing port authority by the port authority hereby created; providing for the issuance of revenue bonds, general obligation bonds and refunding bonds by the authority; providing for the acquisition of property by the authority by grants, purchase, gift, devise, eminent domain proceedings, exchange or otherwise; providing for other matters relating to the establishment and operation of the port authority; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

The Honorable Jerry Thomas  
President of the Senate

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Johnson and others—

HB 3545—A bill to be entitled An act to amend section 8 of Chapter 61-2232, Laws of Florida, Special Acts of 1961, by deleting said section 8 as originally written and inserting in lieu thereof a new section providing for authority to the board of commissioners of Highlands County Hospital District to borrow money, to secure the re-payment thereof by execution of promissory notes and mortgages; establishing a maximum rate of interest that the board may pay and fix the term within which said loans shall be repaid and to pledge as security for said loans any of the district's real or personal property or any monies accruing, or to accrue, to it from any source including revenue derived from operation of said hospital and payments due or to become due from any other fund legally available to the district; to provide that the aggregate amount of principal so borrowed upon the notes and mortgages of said district shall not at any one time exceed the sum of four hundred fifty thousand (\$450,000) dollars; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

The Honorable Jerry Thomas  
President of the Senate

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Johnson and others—

HB 3690—A bill to be entitled An act relating to DeSoto County, Florida; repealing Sections 8 through 21 and Sections 43, 44, 49 and 50 of the City Charter of the City of Arcadia, Florida; adopting new sections of the City Charter of the City of Arcadia, Florida, which provide that the corporate authority of said city shall be vested in the city council, marshal and city recorder and such other officers as may be appointed according to the ordinances of said city; providing for a city council to be composed of five (5) members and to be elected for staggered terms of four (4) years; providing that the council shall elect from its membership, mayor and deputy-mayor who shall serve at the pleasure of the city council; providing that all power heretofore exercised by the mayor shall be exercised by the city council; providing for vacancies on the

city council and for forfeiture of office; providing for the adoption of ordinances; providing for a referendum; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

*The Honorable Jerry Thomas*  
*President of the Senate*

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Reed and others—

HB 4261—A bill to be entitled An act relating to Palm Beach County, weapons and firearms; exempting Palm Beach County from the provisions of Sections 790.05 and 790.06, Florida Statutes; providing that the Palm Beach County Sheriff shall issue licenses to carry pistols; deleting the requirement that such licenses are issued by the Board of County Commissioners; providing that all other provisions shall remain in full force and effect; providing a penalty; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

*The Honorable Jerry Thomas*  
*President of the Senate*

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Gorman and others—

HB 3385—A bill to be entitled An act relating to the City of Casselberry, Seminole County, Florida; granting the city the power to annex when the territorial boundaries of the city completely surround any segment or parcel of land not within the territorial boundaries; providing conditions of all annexations; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

*The Honorable Jerry Thomas*  
*President of the Senate*

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Johnson and others—

HB 3638—A bill to be entitled An act relating to Sarasota County transferring unto the Board of County Commissioners of Sarasota County all local governmental powers and authority in connection with the regulation of well drilling and well drillers; authorizing and empowering the Board of County Commissioners of Sarasota County to adopt ordinances relating to regulating well drilling and well drillers; providing that such ordinances shall be uniformly applicable throughout Sarasota

County, including those areas of the County lying within municipal boundaries; authorizing the implementation and enforcement of appropriate ordinances regulating well drilling and well drillers; providing that the provision of any municipal charter or ordinance in conflict herewith is superseded, rescinded and repealed; providing that a violation of this act or any county ordinance adopted pursuant to this act is a misdemeanor punishable as provided by general law; providing for construction of this act; providing an effective date and providing that municipal charter provisions and ordinances affected by this act shall remain in effect until this act is implemented by adoption of a county ordinance.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

Evidence of notice and publication was established by the Senate as to House Bills 4353, 3388, 4051, 4393, 3545, 3690, 4261, 3385 and 3638, contained in the above messages, which were read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended by the required two-thirds vote of all members elected to the House—

By Representative Johnson and others—

HB 3691—A bill to be entitled An act for the relief of Ralph Dubose of DeSoto County for property damages suffered in an accident involving a mowing machine owned by DeSoto County; requiring the board of county commissioners to settle such claim by payment out of any available fund in the county budget in such amount not to exceed three hundred (\$300.00) dollars; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

Evidence of notice and publication was established by the Senate as to HB 3691.

HB 3691, contained in the above message, was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 23, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Elections—

HB 4055—A bill to be entitled An act relating to municipal elections; amending §98.041, Florida Statutes, to provide a single permanent registration system for all elections held within a county, including municipal elections; amending §98.091, Florida Statutes, to provide procedures for municipal uses of county election books; providing that certain registered electors are qualified to vote in municipal elections; amending

§98.031(1), Florida Statutes, to require precinct boundaries to conform to municipal boundaries; repealing §98.101(2), Florida Statutes, relating to election costs; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 4055, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Tittle—

HB 3269—A bill to be entitled An act relating to Monroe County; amending §1 of chapter 63-1629, Laws of Florida, entitled "An act authorizing and empowering the board of county commissioners of Monroe County by resolution to require that lands in the unincorporated area of said county be cleared of debris and any noxious material; providing for demand upon property owners for such clearance; authorizing said board to clear said land upon failure of the owner to comply with such demand and to assess a lien against the land for the cost of such clearance; providing for filing and recording of notice of lien and for foreclosure; providing an effective date," to include land excluded from the provisions of said law; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

Evidence of notice and publication was established by the Senate as to HB 3269.

HB 3269, contained in the above message, was read the first time by title and referred to the Committees on Rules, Calendar, Privileged Business and Ethics and Health, Welfare and Institutions.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Wilson and others—

HB 4391—A bill to be entitled An act relating to Pinellas County; amending Sections 2 and 3, the initial paragraph and subsections (a) and (e) of Section 8, and Section 19 of chapter 31182, Laws of Florida, 1955; adding clarifying language both as to purpose and jurisdiction of the Pinellas County Water and Navigation Control Authority; providing procedure for establishment of bulkhead lines; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

Evidence of notice and publication was established by the Senate as to HB 4391.

HB 4391, contained in the above message, was read the first time by title and referred to the Committees on Rules, Calendar, Privileged Business and Ethics and Natural Resources and Conservation.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 23, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Birchfield and others—

HB 3367—A bill to be entitled An act relating to free county libraries, operating grants; amending section 257.17, Florida Statutes, by removing the limit of fifty thousand dollars of state funds for county operating grants during any one year; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 3367, contained in the above message, was read the first time by title and referred to the Committees on Governmental Efficiency and Ways and Means.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 23, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Dubbin—

HB 4129—A bill to be entitled An act relating to public employees; providing that the retirement and pension rights of a public employee shall not be diminished or impaired as a result of any consolidation or merger of governments or of governmental services, either state or local; establishing state policy with respect to public employee pension rights when such mergers or consolidations occur; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 4129, contained in the above message, was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 23, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Harris—

HB 3720—A bill to be entitled An act relating to taxation; amending subsections (2) and (5) and adding new subsection (6) of section 194.181, Florida Statutes, to clarify the parties involved in tax suits; providing that the attorney for the defendant county officer shall upon request represent the state official with no additional compensation; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*



HB 3720, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Natural Resources and Representative Shreve and others—

CS for HB 4060—A bill to be entitled An act relating to water resource management; providing definitions; providing powers and duties of the department of natural resources; providing for a state water use plan; providing for a state water plan; creating a water resources development account; providing for the allocation of funds to water-management districts; creating five water management districts; directing the department to recommend the precise boundaries of such districts to the 1973 regular session of the legislature; providing for a governing board for each district; providing powers, duties and functions of the boards; providing that the department may delegate additional authority to said boards; providing permitting and regulation enforcement and administrative review procedures; providing for judicial review; providing for the protection of water quality; providing for the acquisition of real property for district purposes; providing for the preservation and orderly transfer of existing districts; providing procedures for implementation of a permitting system for consumptive uses of water; providing for the protection of existing uses; providing for competing applications; providing for duration of permits; providing for modification, renewal and revocation of permits; providing for a plan for periods of water shortage; providing for emergency conditions; providing that the department of natural resources shall regulate construction of wells; providing for delegation of administration to political subdivisions; providing for inspections by department; providing for licensing of water well contractors; providing exemptions; providing fees; providing penalties; providing for the regulation of impoundment, management, storage or diversion of certain surface waters; requiring permits for construction of certain dams and other works; providing for periodic inspections; repealing §§373.051, 373.071, 373.072, 373.081, 373.091, 373.101, 373.131, 373.141, 373.142, 373.143, 373.144, 373.151, 373.173, 373.174, 373.181, 373.182, 373.192, 373.231, 378.01, 378.02, 378.03, 378.05, 378.06, 378.07, 378.08, 378.09, 378.10, 378.11, 378.12, 378.13, 378.14, 378.15, 378.16(3), 378.45, and 378.451, Florida Statutes; amending §§373.201 and 378.18(3), Florida Statutes; providing penalties; providing an appropriation providing for liberal construction; providing for statutory revision and conformance of terminology; providing severability; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
*ALLEN MORRIS*  
*Clerk, House of Representatives*

CS for HB 4060, contained in the above message, was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 24, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Appropriations and Representative Turlington—

CS for HB 4375—A bill to be entitled An act relating to taxation and revenue sharing with local governments; amending chapter 218, Florida Statutes, by adding a new part II to

establish a "revenue sharing trust fund for counties" and a "revenue sharing trust fund for municipalities;" providing for definitions, administration, eligibility requirements and distribution formulas; amending chapter 23, Florida Statutes, by adding a new section 23.019, Florida Statutes, to provide for population determination; providing for limitation on use of shared funds; repealing sections 163.550-163.561, part V of chapter 163, Florida Statutes; amending part IV of chapter 23, Florida Statutes, by creating a new section to provide for a salary incentive program for local law enforcement officers; providing that the police standards council shall establish rules and regulations; providing restrictions on local units to prevent circumventing any local unit's present or currently planned normal pay increases; providing for reports by local units; repealing charter and special law prohibitions and limitations on municipal levy of ad valorem taxes and utility service taxes; amending sections 210.02, 210.05, 210.19, 210.20, 210.03, 210.04, 210.09, Florida Statutes, to repeal authority for municipal levy of cigarette tax and state credit therefor and to provide distribution for certain cigarette tax monies into trust funds; amending subsections 323.16(3) and (4), Florida Statutes, to provide for distribution of certain road tax monies into trust funds; amending section 206.605, Florida Statutes; amending section 320.081(6), Florida Statutes, to reduce to one dollar and fifty cents (1.50) per license sold the amount to be retained by the department of highway safety and motor vehicles and to provide a change in the distribution to local governments; providing for repeal of sections 218.20 through 218.26, Part II of chapter 218, Florida Statutes, as created by this act; repealing subsection 211.02(2), Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
*ALLEN MORRIS*  
*Clerk, House of Representatives*

CS for HB 4375, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

On motion by Senator de la Parte, the rules were waived and the Committee on Ways and Means was granted permission to hold a meeting at 7:00 p.m. this day to consider Senate Bills 1280 and 1281, CS for HB 4375, HB 3378 and CS for HB 3025.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 22, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Libertore and others—

HB 4356—A bill to be entitled An act relating to the City of Lakeland, Polk County; amending §151, chapter 59-1481, Laws of Florida, to change the age of qualified electors to eighteen (18) years and changing the durational residency requirements for electors; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
*ALLEN MORRIS*  
*Clerk, House of Representatives*

Evidence of notice and publication was established by the Senate as to HB 4356.

HB 4356, contained in the above message, was read the first time by title and referred to the Committees on Rules, Calendar, Privileged Business and Ethics and Judiciary—Civil A.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 23, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator Horne—

SB 938—A bill to be entitled An act relating to elections; amending §97.041(1), Florida Statutes, to prescribe certain qualifications for registration as an elector; providing an effective date.

Which amendment reads as follows—

On page 1, lines 25 & 26, strike "*three (3) months*" and insert the following: *one (1) month*

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

On motion by Senator Sayler the following amendment to the House amendment was adopted:

**Amendment 1**—On page 1, lines 25—26, strike "*one (1) month*" and insert: *sixty (60) days*

On motion by Senator Horne, the Senate concurred in the House amendment as amended to SB 938.

SB 938 passed as amended, and the action of the Senate was certified to the House. The vote was:

Yeas—35

Mr. President	Daniel	Johnson (34th)	Sayler
Arnold	Deeb	Knopke	Scarborough
Beaufort	Ducker	Lane	Stolzenburg
Bell	Graham	Lewis (33rd)	Trask
Bishop	Gunter	Lewis (43rd)	Ware
Peterson	Haverfield	McClain	Weber
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Poston	Wilson
Childers	Horne	Saunders	

Nays—1

Reuter

By unanimous consent Senators de la Parte and Johnson (29th) were recorded as voting yea.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 24, 1972

Sir:

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Gillespie, MacKay, Hodes and Birchfield as House Conferees on—CS for SB 498

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

The President announced the appointment of Senators Myers, Karl, de la Parte and Lane as conferees on the part of the Senate. The action of the Senate was certified to the House.

On motion by Senator Williams, Rule 4.4 was waived and permission was granted to file for introduction and consideration a concurrent resolution naming State Road 19 the "Backwood Trail",

On motion by Senator Williams, unanimous consent was obtained to introduce out of order—

By Senators Williams, Daniel, Bishop, Saunders, de la Parte, Arnold, Barron, Barrow, Beaufort, Bell, Boyd, Brantley, Broxson, Childers, Deeb, Ducker, Fincher, Gong, Graham, Gunter, Haverfield, Henderson, Hollahan, Horne, Johnson (29th), Johnson (34th), Karl, Knopke, Lane, Lewis (33rd), Lewis (43rd), McClain, Myers, Ott, Peterson, Plante, Pope, Poston, Reuter, Sayler, Scarborough, Stolzenburg, Thomas, Trask, Ware, Weber, Weissenborn and Wilson—

**SCR 1295**—A concurrent resolution designating State Road 19 in the State of Florida as the "Backwood Trail."

**WHEREAS**, State Road 19 provides an unusual scenic drive through the Florida Counties of Putnam, Marion, and Lake, and

**WHEREAS**, travelers on this highway may enjoy the beauty of Florida's hills, lakes, groves, and wilderness, and

**WHEREAS**, this road extends through one of the State's uncrowded areas, passing only small cities, towns and hamlets where the living is easy and courtesy and friendliness still prevail, and

**WHEREAS**, this route abounds in little known natural recreational resources where both tourist and local travelers can enjoy Florida's natural beauty, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:*

That State Road 19 in the State of Florida is hereby designated as the "Backwood Trail."

**BE IT FURTHER RESOLVED**, that the department of transportation is authorized and directed to erect appropriate signs designating State Road 19 as the "Backwood Trail."

—which was read the first time in full. On motion by Senator Williams, the rules were waived and the concurrent resolution was placed on the calendar.

On motion by Senator Williams, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up SCR 1295 out of order.

On motion by Senator Williams, by two-thirds vote, SCR 1295 was read the second time by title, adopted and certified to the House. The vote was:

Yeas—34

Mr. President	de la Parte	Johnson (34th)	Sayler
Arnold	Ducker	Knopke	Stolzenburg
Beaufort	Fincher	Lewis (33rd)	Trask
Bishop	Gong	Lewis (43rd)	Ware
Peterson	Gunter	McClain	Weber
Broxson	Haverfield	Myers	Williams
Childers	Henderson	Plante	Wilson
Daniel	Hollahan	Reuter	
Deeb	Johnson (29th)	Saunders	

Nays—None

By unanimous consent Senators Barrow, Poston, Weissenborn, and Graham were recorded as voting yea.

On motion by Senator Gunter, the rules were waived, and the Committee on Governmental Efficiency was granted permission to consider SB 1005 March 28.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:32 p.m. to reconvene at 2:00 p.m.

#### AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—45:

Mr. President	Fincher	Lane
Arnold	Gong	Lewis (33rd)
Barrow	Graham	Lewis (43rd)
Beaufort	Gunter	McClain
Bell	Haverfield	Myers
Bishop	Henderson	Ott
Brantley	Hollahan	Peterson
Broxson	Horne	Plante
Childers	Johnson (29th)	Pope
Daniel	Johnson (34th)	Poston
Deeb	Karl	Reuter
Ducker	Knopke	Saunders

Sayler  
Scarborough  
Stolzenburg  
Trask  
Ware  
Weber  
Weissenborn  
Williams  
Wilson

Henderson	Knopke	Plante	Trask
Hollahan	Lane	Poston	Ware
Horne	Lewis (33rd)	Reuter	Wilson
Johnson (29th)	Lewis (43rd)	Saunders	
Johnson (34th)	McClain	Sayler	
Karl	Ott	Scarborough	

Nays—1  
Childers

By unanimous consent Senators Barrow and Broxson changed their votes from yea to nay.

Senator de la Parte excused until 3:30 p.m.

On motion by Senator Hollahan, the rules were waived and the Committee on Ways and Means was authorized to consider HB 3274 this day.

CS for HB 3165—A bill to be entitled An act making the industrial relations commission full time; amending §20.17(8), Florida Statutes; amending §440.44(2), Florida Statutes; providing qualifications; providing salaries; providing an appropriation; providing an effective date.

—was read the second time by title.

On motion by Senator Ware the following amendment was adopted:

Amendment 1—On page 2, line 4, after the word "governor" insert: , with the advice and consent of the Senate,

Senator Horne moved that the rules be waived and CS for HB 3165 as amended be read the third time by title. The motion failed by following vote:

Yeas—19

Mr. President	Childers	Haverfield	Pope
Arnold	Daniel	Hollahan	Poston
Barrow	Deeb	Horne	Saunders
Beaufort	Fincher	Karl	Williams
Broxson	Graham	Myers	

Nays—23

Bell	Johnson (29th)	McClain	Stolzenburg
Bishop	Johnson (34th)	Ott	Trask
Peterson	Knopke	Plante	Ware
Brantley	Lane	Reuter	Weber
Ducker	Lewis (33rd)	Sayler	Wilson
Henderson	Lewis (43rd)	Scarborough	

SB 962 was taken up, together with:

By the Committee on Natural Resources and Conservation—

CS for SB 962—A bill to be entitled An act relating to recreational use of state-owned land; amending §372.573, Florida Statutes, to provide that the game and fresh water fish commission may issue permits for fishing, camping, and other recreational activities on land owned, managed, or leased by the state; providing no such permit may be issued without consent of the owner of such land when it is not owned by the state; providing for a maximum permit fee of ten dollars (\$10); providing increased revenue is to go for purchase, lease, and management of such land; providing an effective date.

—which was read the first time by title and SB 962 was laid on the table.

On motions by Senator Knopke, by two-thirds vote CS for SB 962 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Mr. President	Bell	Broxson	Gong
Arnold	Bishop	Deeb	Graham
Barrow	Peterson	Ducker	Gunter
Beaufort	Brantley	Fincher	Haverfield

CS for HB 3136—A bill to be entitled An act relating to unemployment compensation; amending sections 443.04 (2) and 443.08 (3), Florida Statutes, by providing maximum and minimum benefit amounts; providing a method of computing positive and negative adjustment factors; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote CS for HB 3136 was read the third time by title, passed and certified to the House. The vote was:

Yeas—43

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	Ducker	Knopke	Saunders
Barrow	Fincher	Lane	Sayler
Beaufort	Gong	Lewis (33rd)	Scarborough
Bell	Graham	Lewis (43rd)	Stolzenburg
Bishop	Gunter	McClain	Trask
Peterson	Haverfield	Myers	Ware
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

Nays—None

HB 3129—A bill to be entitled An act to amend subsections (2) and (3) of Section 440.12, Florida Statutes, relating to workmen's compensation, by providing maximum and minimum weekly compensation amounts; and providing an effective date.

—was read the second time by title.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

Amendment 1—On page 1, line 21, strike "July 1," and insert: June 30,

On motion by Senator Scarborough, by two-thirds vote HB 3129 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Mr. President	Ducker	Knopke	Sayler
Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Gunter	McClain	Ware
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Ott	Williams
Broxson	Hollahan	Plante	Wilson
Childers	Horne	Poston	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Saunders	

Nays—None

By unanimous consent Senator Pope was recorded as voting yea.

Senator Saunders moved that SB 1034 be withdrawn from the Committee on Judiciary—Civil B and placed on the calendar. The motion was adopted by the following vote:

## Yeas—28

Mr. President	Childers	Hollahan	Ott
Arnold	Daniel	Horne	Pope
Barrow	Fincher	Johnson (29th)	Poston
Beaufort	Gong	Knopke	Saunders
Bishop	Graham	Lewis (33rd)	Scarborough
Brantley	Gunter	Lewis (43rd)	Trask
Broxson	Haverfield	McClain	Williams

## Nays—12

Bell	Ducker	Lane	Saylor
Peterson	Henderson	Plante	Ware
Deeb	Johnson (34th)	Reuter	Wilson

By unanimous consent Senator Peterson changed his vote from nay to yea.

On motion by Senator Daniel, unanimous consent was obtained to introduce out of order—

By Senators Daniel and Karl—

SB 1296—A bill to be entitled An act to amend Section 6, Chapter 9719, Laws of Florida, Acts of 1923, as amended by Chapter 13985, Laws of Florida, Acts of 1929 and as amended by Chapter 15140, Laws of Florida, Acts of 1931 and as amended by Chapter 30677, Laws of Florida, Acts of 1955 and as amended by Chapter 971, Laws of Florida, Acts of 1969; describing the Territorial Limits of the City of Crystal River; providing that all lands within said territorial limits shall be subject to all indebtedness of said City; and providing the effective date.

Evidence of notice and publication was established by the Senate as to SB 1296.

—which was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

On motion by Senator Daniel, unanimous consent was obtained to introduce out of order—

By Senators Daniel and Karl—

SB 1297—A bill to be entitled An act relating to limiting the number of licenses which may be granted for the sale of spirituous beverages within Lake County, Florida, to one for each 5,000 persons residing within Lake County; providing for renewal of current licenses; providing exception to certain sections of Section 561, Florida Statutes; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1297.

—which was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

CS for SB 629—A bill to be entitled An act relating to environmental land and water management, and landowners' rights to compensation; authorizing the state land planning agency to designate areas of critical state concern and to specify principles for guiding development therein, subject to approval by the administration commission, authorizing regional planning agencies to recommend areas for such designation; providing procedures for the designation of such areas; authorizing local governments to adopt appropriate land development regulations for such areas subject to approval of the state land planning agency; providing for the adoption of land development regulations by the state land planning agency in the absence of local regulations; providing for the protection of holders of existing permits or rights to develop land; limiting the land area on which development can be restricted; defining the types of development that have regional impact; authorizing regional planning agencies to recommend types of development as having regional impact; prohibiting the undertaking of development of regional impact except in areas regulated through local zoning or in areas of critical state concern except upon ninety (90) days notice; establishing procedures for issuing permits for development of regional impact; providing for the mailing by the state land planning

agency of a weekly list of development proposals having regional impact; requiring the consideration of the effect of such development on the state and region in the process of issuing such permits; authorizing regional planning agencies to provide technical assistance to local governments in evaluating development proposals of regional impact; designation of the administration commission as a Florida land and water adjudicatory commission; providing for the powers and duties of the commission; creating a right of appeal to the commission from decisions in areas of critical state concern or regarding development of regional impact; setting forth procedures for such appeals; authorizing the commission to issue decisions on such appeals; providing for the protection of landowners' constitutional rights and requiring specification of reasons for denying development permits; creating an environmental land management study committee, and designating its functions; directing the committee to prepare and submit a report; providing that the state land planning agency shall consult with the committee, providing for an executive director and staff for the committee; providing an appropriation of one hundred fifty thousand dollars (\$150,000); creating the landowners' rights compensation act; authorizing the purchase of interests in land by state or local agencies as a means of supplementing the exercise of police powers; providing for the purchase of a fee simple or lesser interests; providing a method of valuing the interest purchased; authorizing the purchase of interests in land as a means of settling litigation; providing a method of valuation of interests in land on disposal or modification; providing for severability; providing effective dates.

—was taken up, together with the following pending substitute amendment:

Amendment 2—On page 4, line 6, strike everything after the enacting clause and insert the following:

Section 1. Short title. This act shall be known and may be cited as "The Florida Environmental Land and Water Management Act of 1972."

Section 2. Purpose.— It is the legislative intent that, in order to protect the natural resources and environment of this state as provided in section 7 of article II of the constitution of this state, and to insure a water management system that will reverse the deterioration of water quality and provide optimum utilization of our limited water resources, and to facilitate orderly and well planned development, and to protect the health, welfare, safety, and quality of life of the residents of this state, it is necessary to adequately plan for and guide growth and development within this state. In order to accomplish these purposes, it is necessary that the State of Florida establish land and water management policies to guide and coordinate local decisions relating to growth and development, and that such state land and water management policies should to the maximum possible extent be implemented by local governments through existing processes for the guidance of growth and development, and that all the existing rights of private property be preserved in accord with the constitution of this state and of the United States.

Section 3. Definitions.—As used in this act:

(1) "Administration Commission" or "Commission" means the governor and cabinet as provided for in Section 20.31, Florida Statutes.

(2) "Development order" means any order granting or denying or granting with conditions an application for a "development permit."

(3) A "development permit" includes any building permit, zoning permit, plat approval, rezoning, certification, variance, or other action having the effect of permitting development as defined in this act.

(4) "Developer" means any person, including a governmental agency, undertaking any development as defined in this act.

(5) "Governmental agency" means:

(a) The United States or any department, commission, agency, or other instrumentality thereof; or

(b) This state, or any department, commission, agency, or other instrumentality thereof; or

(c) Any local government as defined in this act or any department, commission, agency, or other instrumentality thereof; or

(d) Any school board or other special district, authority, or other governmental entity.

(6) "Land" means the earth, water, and air, above, below or on the surface, and includes any improvements or structures customarily regarded as land.

(7) "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land.

(8) A "Land Use" means the development that has occurred on land.

(9) "Local government" means any county or municipality, and, where relevant, any joint airport zoning board.

(10) "Major public facility" means any publicly-owned facility of more than local significance.

(11) "Parcel" of land means any quantity of land capable of being described with such definiteness that its location and boundaries may be established which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

(12) "Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(13) "Regional planning agency" means the agency designated by the state land planning agency to exercise responsibilities under this act in a particular region of the state.

(14) "Rule" means a rule adopted under chapter 120, Florida Statutes.

(15) "State land development plan" means a comprehensive statewide plan or any portion thereof setting forth state land development policies.

(16) "State land planning agency" means the agency designated by law to undertake statewide comprehensive planning.

(17) "Structure" means anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

#### Section 4. Definition of development.—

(1) "Development" means the carrying out of any building or mining operation, or the making of any material change in the use or appearance of any structure or land and the dividing of land into three (3) or more parcels.

(2) The following activities or uses shall be taken for the purposes of this act to involve development as defined in this section:

(a) A reconstruction, alteration of the size, or material change in the external appearance of a structure or land.

(b) A change in the intensity of use of land, such as increase in the number of dwelling units in a structure, or on land, or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(c) Alteration of a shore or bank, of a seacoast, river, stream, lake, pond, or canal, including any coastal construction as defined in section 161.021, Florida Statutes.

(d) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land.

(e) Demolition of a structure.

(f) Clearing of land as an adjunct of construction.

(g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(3) The following operations or uses shall not be taken for the purpose of this act to involve development as defined in this section:

(a) Work by a highway or road agency or railroad company, for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(b) Work by any utility for the purpose of inspecting, repairing, or renewing any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks or the like.

(c) Work for the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(d) The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.

(e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock or for other agricultural purposes.

(f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(g) A change in the ownership or form of ownership of any parcel or structure.

(h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(4) Development as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1).

#### Section 5. Areas of critical state concern.—

(1) The state land planning agency may from time to time recommend to the administration commission, specific areas of critical state concern. In its recommendation the agency shall specify the boundaries of the proposed areas, state the reasons why the particular area proposed is of critical concern to the state or region, the dangers that would result from uncontrolled or inadequate development of the area and the advantages that would be achieved from the development of the area in a coordinated manner and shall recommend specific principles for guiding the development of the area. Within 45 days following receipt of a recommendation from the agency, the administration commission shall either reject the recommendation as tendered or adopt the same with or without modification, and by rule designate the area of critical state concern and the principles for guiding the development of the area,

(2) An area of critical state concern may be designated only for:

(a) An area containing, or having a significant impact upon, environmental, historical, natural, or archaeological resources of regional or statewide importance; or

(b) An area significantly affected by, or having a significant effect upon, an existing or proposed major public facility or other area of major public investment; or

(c) A proposed area of major development potential, which may include a proposed site of a new community, designated in a state land development plan.

(3) Each regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. Each regional planning agency shall solicit from the local governments within its jurisdiction suggestions as to areas to be recommended. A local government in an area where there is no regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. If the state land planning agency does not designate as an area of critical state concern an area substantially similar to one that has been recommended by a regional planning agency, or local government, it shall respond in writing to the regional planning agency or local government as to its reasons therefor.

(4) Prior to submitting any recommendation to the administration commission under subsection (1) of this section, the state land planning agency shall give notice to all local governments and regional planning agencies that include within their boundaries any part of any area of critical state concern proposed to be designated by the rule, in addition to any notice otherwise required under chapter 120, Florida Statutes.

(5) After the adoption of a rule designating an area of critical state concern the local government having jurisdiction may submit to the state land planning agency its existing land development regulations for the area, if any, or shall prepare, adopt and submit new or modified regulations, taking into consideration the principles set forth in the rule designating the area as well as the factors that it would normally consider.

(6) If the state land planning agency finds that the land development regulations submitted by a local government comply with the principles for guiding the development of the area specified under the rule designating the area, the state land planning agency shall by rule approve the land development regulations. No proposed land development regulation within an area of critical state concern becomes effective until the state land planning agency rule approving it becomes effective.

(7) The state land planning agency and any applicable regional planning agency shall to the extent possible provide technical assistance to local governments in the preparation of land development regulations for areas of critical state concern.

(8) If any local government fails to transmit land development regulations within six (6) months after the adoption of a rule designating an area of critical state concern, or if the regulations transmitted do not comply with the principles for guiding development set out in the rule designating the area of critical state concern, in either case, within 120 days, the state land planning agency shall submit to the administration commission recommended land development regulations applicable to that local government's portion of the area of critical state concern unless it determines that the area is no longer of critical state concern. Within 45 days following receipt of a recommendation from the agency, the administration commission shall either reject the recommendation as tendered or adopt the same with or without modification, and by rule establish land development regulations applicable to that local government's portion of the area of critical state concern. In the rule the administration commission shall specify the extent to which its land development regulations shall supersede local land development regulations or be supplementary thereto. Notice of any proposed rule issued under this section shall be given to all local governments and regional planning agencies in the area of critical state concern, in addition to any other notice required under chapter 120, Florida Statutes. The land development regulations adopted by the administration commission under this section may include any type of regulation that could have been adopted by the local government. Any land development regulations adopted by the administration commission under this section shall be administered by the local government as if the regulations constituted, or were part of the local land development regulations.

(9) If the state land planning agency determines that the administration of the local regulations is inadequate to protect the state or regional interest, the state land planning agency may institute appropriate judicial proceedings to compel proper enforcement of the land development regulations.

(10) At any time after the adoption of land development regulations by the administration commission under this section a local government may propose land development regulations

under subsection (5) which, if approved by the state land planning agency as provided in subsection (6), shall supersede any regulations adopted under subsection (8) of this section.

(11) Land development regulations adopted by a local government in an area of critical state concern may be amended or rescinded by the local government, but the amendment or rescission becomes effective only upon approval thereof by the state land planning agency under subsection (6) in the same manner as for approval of original regulations. Land development regulations for an area of critical state concern adopted by the administration commission under subsection (8) may be amended by rule in the same manner as for original adoption.

(12) If within twelve (12) months after the adoption of the rule designating an area of critical state concern land development regulations for the district have not become effective under either subsection (6) or subsection (8), the designation of the area as an area of critical state concern terminates. No part of such area may be redesignated until at least twelve (12) months after the date the designation terminates.

(13) No person shall undertake any development within any area of critical state concern except in accordance with this act.

(14) If an area of critical state concern has been designated under subsection (1) and if land development regulations for the area of critical state concern have not yet become effective under subsections (6) or (8) a local government may grant development permits in accordance with such land development regulations as were in effect immediately prior to the designation of the area as an area of critical state concern.

(15) Neither the designation of an area of critical state concern nor the adoption of any regulations for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized by registration of a subdivision pursuant to chapter 478, Florida Statutes, recordation pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which there has been reliance and a change of position, and which registration or recordation was accomplished, or which permit or authorization was issued, prior to the approval under subsection (6), or the adoption under subsection (8), of land development regulations for the area of critical state concern. If a developer has by his actions in reliance on prior regulations obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to his interests, nothing in this act authorizes any governmental agency to abridge those rights.

(16) In addition to any other notice required to be given under the local land development regulations, the local government shall give notice to the state land planning agency of any application for a development permit in any area of critical state concern, except to the extent that the state land planning agency has in writing waived its right to such notice in regard to all or certain classes of such applications. The state land planning agency may by rule specify additional classes of persons who shall have the right to receive notices of and participate in hearings under this section.

(17) Within the twelve (12) month period following the effective date of this section, the administration commission shall not designate more than five hundred thousand (500,000) acres as areas of critical state concern; provided, further, that at no time shall the administration commission designate a land area to be an area of critical state concern if the effect of such designation would be to subject more than nine per cent (9%) of the land of the state to supervision under this section.

(18) The administration commission may by rule terminate, partially or wholly, the designation of any area of critical state concern.

#### Section 6. Development of regional impact.—

(1) "Development of regional impact" as used in this section means any development which, because of its character, magnitude or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county.

(2) Prior to February 1, 1973, the state land planning agency, after consultation with the environmental land management study committee, established pursuant to section 9 of this act, shall recommend to the administration commission specific guidelines and standards for adoption pursuant to this subsection. Prior to March 15, 1973, the administration commission



shall by rule adopt guidelines and standards to be used in determining whether particular developments shall be presumed to be of regional impact.

(a) In adopting its guidelines and standards the administration commission shall consider and be guided by:

(i) The extent to which the development would create or alleviate environmental problems such as air or water pollution or noise;

(ii) The amount of pedestrian or vehicular traffic likely to be generated;

(iii) The number of persons likely to be residents, employees, or otherwise present;

(iv) The size of the site to be occupied;

(v) The likelihood that additional or subsidiary development will be generated; and

(vi) The unique qualities of particular areas of the state.

(b) The rules adopted by the administration commission pursuant to this subsection shall not become effective prior to July 1, 1973.

(3) Each regional planning agency may recommend to the state land planning agency from time to time types of development for designation as development of regional impact under subsection (2). Each regional planning agency shall solicit from the local governments within its jurisdiction suggestions regarding development to be recommended.

(4)(a) If any developer is in doubt whether his proposed development would be a development of regional impact, he may request a determination from the state land planning agency. Within sixty (60) days of the receipt of such request, the state land planning agency shall issue a binding letter of interpretation with respect to the proposed development.

(b) Requests for determinations made pursuant to this subsection shall be in writing and in such form as prescribed by the state land planning agency.

(5) A developer may undertake development of regional impact if;

(a) The land on which the development is proposed is within the jurisdiction of a local government that has adopted a zoning ordinance under chapters 163 or 176, Florida Statutes, or under appropriate special or local laws, and the development has been approved under the requirements of this section; or

(b) The land on which the development is proposed is within an area of critical state concern, and the development has been approved under the requirements of section 5 of this act; or

(c) The developer has given written notice to the state land planning agency and to any local government having jurisdiction to adopt zoning or subdivision regulations for the area in which the development is proposed, and after ninety (90) days have passed no zoning or subdivision regulations have been adopted nor designation of area of critical state concern issued.

(6) If the development of regional impact is to be located within the jurisdiction of a local government that has adopted a zoning ordinance, the developer shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake development of regional impact as defined under this section.

(7) The appropriate local government shall give notice and hold a hearing on the application in the same manner as for a rezoning under section 176.051, Florida Statutes, or as provided under the appropriate special or local law and shall comply with the following additional requirements:

(a) The notice of hearing shall state that the proposed development would be development of regional impact;

(b) The notice shall be published and given in the usual manner, but at least four (4) weeks in advance of the hearing; and

(c) The notice shall be given to the state land planning

agency, to the applicable regional planning agency, and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.

(8) Within 30 days after receipt of the notice required in paragraph (c) of subsection (7) of this section, the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations the regional planning agency shall consider whether and the extent to which:

(a) The development will have a favorable or unfavorable impact on the environment and natural resources of the region;

(b) The development will have a favorable or unfavorable impact on the economy of the region;

(c) The development will efficiently use or unduly burden water, sewer, solid waste disposal, or other necessary public facilities;

(d) The development will efficiently use or unduly burden public transportation facilities;

(e) The development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment; and

(f) The development complies or does not comply with such other criteria for determining regional impact as the regional planning agency shall deem appropriate.

(9) The state land planning agency shall print each week, and mail to any person upon payment of a reasonable charge to cover costs of preparation and mailing, a list of all notices of applications for development of regional impact that have been filed with the state land planning agency.

(10) If the development is in an area of critical state concern, the local government shall approve it only if it complies with the land development regulations therefor under section 5 of this act.

(11) If the development is not located in an area of critical state concern, in considering whether the development shall be approved, denied or approved subject to conditions, restrictions or limitations, the local government shall consider whether and the extent in which:

(a) The development unreasonably interferes with the achievement of the objectives of an adopted state land development plan applicable to the area;

(b) The development is consistent with the local land development regulations; and

(c) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (8) of this section.

#### Section 7. Florida land and water adjudicatory commission.—

(1) There is hereby created the Florida land and water adjudicatory commission which shall consist of the administration commission.

(2) Whenever any local government issues any development order in any area of critical state concern, or in regard to any development of regional impact, a copy of such order shall be transmitted to the state land planning agency and the owner or developer of the property affected by such order. Within thirty (30) days after the order is rendered, either the owner, developer, an appropriate regional planning agency, or the state land planning agency may appeal the order to the Florida land and water adjudicatory commission by filing a notice of appeal with the commission. The appellant shall furnish a copy of the notice of appeal to the opposing party, as the case may be, and to the local government which issued the order. The filing of the notice of appeal shall stay the effectiveness of the order, and shall stay any judicial proceedings in relation to the development order, until after the completion of the appeal process; provided, further, that upon motion and good cause shown that the Florida land and water adjudicatory commission may permit materially affected parties to intervene in the appeal.

(3) Prior to issuing an order the Florida land and water adjudicatory commission shall hold a hearing pursuant to the provisions of part II, chapter 120, Florida Statutes. The com-

mission shall encourage the submission of appeals on the record made below in cases where the development order was issued after a full and complete hearing before the local government or an agency thereof.

(4) The Florida land and water adjudicatory commission shall have the power to designate a hearing officer to conduct hearings, who shall have the power to issue notices of hearings, subpoenas requiring the attendance of witnesses and the production of evidence, to administer oaths and to take testimony as may be necessary or in conformity with this act, and such hearing officer shall certify and file with the commission, recommendations, findings of fact, and a proposed order.

(5) Within one hundred twenty (120) days, the Florida land and water adjudicatory commission shall issue a decision granting or denying permission to develop pursuant to the standards of this act, and may attach conditions and restrictions to its decisions. Decisions of the commission shall contain a statement of the reasons therefor. Decisions of the commission are subject to judicial review under part III of chapter 120, Florida Statutes.

#### Section 8. Protection of landowners' rights.—

(1) Nothing in this act authorizes any governmental agency to adopt a rule or regulation or issue any order that is unduly restrictive or constitutes a taking of property without the payment of just compensation in violation of the constitution of this state or of the United States.

(2) If any governmental agency authorized to adopt a rule or regulation or issue any order under this act, shall determine, that to achieve the purposes of this act, it is in the public interest to acquire the fee simple or lesser interest in any parcel of land, such agency shall so certify to the state land planning agency, the Board of Trustees of the Internal Improvement Trust Fund, and other appropriate governmental agencies.

(3) If any governmental agency denies a development permit under this act, it shall specify its reasons in writing and indicate any changes in the development proposal that would make it eligible to receive the permit.

#### Section 9. Environmental land management study committee.—

(1) There is hereby created an environmental land management study committee to consist of fifteen (15) members. The governor shall appoint nine (9) members and designate one (1) as chairman. The governor shall include amongst the members appointed by him representatives of environmental interests, organized labor, business interests, the home construction industry, the academic community, the land sales industry, real estate interests and shall consider other professions and occupations which may be affected by the provisions of this act. The president of the senate shall appoint three (3) members and the speaker of the house shall appoint three (3) members. Members of the committee shall serve without compensation but shall be reimbursed for all necessary expenditures in the performance of their duties. The committee shall continue in existence until its duties are terminated, but not later than June 30, 1974.

(2) The committee shall study all facets of land resource management and land development regulation with a view toward insuring that Florida's land use laws give the highest quality of human amenities and environmental protection consistent with a sound and economic pattern of well planned development, and shall recommend such new legislation or amendments to existing legislation as are needed to achieve that goal.

(3) As part of its work the committee shall review the land use laws of other states, the relevant federal laws, the progress of the American Law Institute's project to draft a model land development code, and the general pattern of court decisions in the land use area. The committee shall examine techniques for encouraging new types of well planned development including methods of regulating planned unit developments and new communities.

(4) The committee shall also consult with local governments and regional planning agencies regarding their land use problems, consult with relevant state agencies, including the Florida environmental inventory council, created under section

370.0212, Florida Statutes, and shall obtain the views of the public, including the views of businesses and professions concerned with use of land, and of other interested groups.

(5) The committee shall prepare and submit to the governor and the legislature not later than December 30, 1973, a report which shall contain:

(a) Such proposals for changes in legislation as are recommended by the committee;

(b) Drafts of model development ordinances which will assist local governments in adopting development ordinances as required by this act;

(c) Analyses of and comments on other relevant state-commissioned studies and reports, including reports prepared by the Florida environmental inventory council, created under section 370.0212, Florida Statutes;

(d) Review of, and recommendations on, the current status and effectiveness of regional planning agencies with regard to land and water management; and

(e) Such other findings and recommendations as the committee chooses to make.

(6) The committee shall prepare and submit an interim report to the governor not later than December 31, 1972, and to the legislature not later than March 15, 1973.

(7) The committee shall employ an executive director and may employ such other staff and consultants as needed to carry out its functions.

(8) The department of administration shall provide necessary staff to the committee.

(9) Prior to submitting any recommendation or issuing any rule under this act, the state land planning agency shall consult with and obtain the advice of the committee.

Section 10. Appropriation.—A sum of one hundred fifty thousand dollars (\$150,000) is appropriated from the general revenue fund to the department of administration for the purpose of paying salaries and other administrative expenses and costs necessary to carry out the terms of this act for the period from May 1, 1972 through June 30, 1973.

Section 11. Severability.—If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances, is not affected.

Section 12. Effective Dates.—This act shall become effective July 1, 1972, except that sections 9 and 10 shall become effective May 1, 1972, and except that no area shall be designated as an area of critical state concern pursuant to paragraph (a), subsection (2) of section 5 until a favorable vote at a referendum on a state land program for the acquisition of lands of environmental importance to the state or region.

Senator Barrow moved that CS for SB 629 be referred to an appropriate committee.

Senator Saylor moved that the rules be waived and time of adjournment be extended until final action on CS for SB 629.

Senator Barrow moved as an amendment to the foregoing motion that time of adjournment be extended until final action on CS for SB 629 or 4:00 p.m. this day, whichever occurred first.

Senator Graham moved as an amendment to the amendment that time of adjournment be extended until final action on CS for SB 629 or 4:00 p.m. this day, whichever occurred later. The amendment to the amendment was adopted by the following vote:

#### Yeas—21

Brantley  
Broxson  
Ducker  
Fincher  
Gong  
Graham

Haverfield  
Karl  
Knopke  
Lewis (43rd)  
Plante  
Pope

Poston  
Reuter  
Saunders  
Saylor  
Scarborough  
Ware

Weissenborn  
Williams  
Wilson

## Nays—14

Arnold	Childers	Johnson (29th)	Trask
Barrow	Daniel	Lane	Weber
Beaufort	Deeb	Lewis (33rd)	
Bell	Gunter	Stolzenburg	

The amendment as amended was adopted.

The motion by Senator Saylor failed to receive the necessary two-thirds vote for adoption. The vote was:

## Yeas—20

Peterson	Graham	Lewis (43rd)	Saylor
Brantley	Gunter	Plante	Scarborough
Daniel	Haverfield	Poston	Weissenborn
Ducker	Karl	Reuter	Williams
Gong	Knopke	Saunders	Wilson

## Nays—14

Arnold	Childers	Lewis (33rd)	Ware
Barrow	Deeb	McClain	Weber
Bell	Johnson (29th)	Stolzenburg	
Broxson	Lane	Trask	

Senator Plante moved that the rules be waived and debate on Senator Barrow's motion be limited to five minutes. The motion failed to receive the necessary two-thirds vote. The vote was:

## Yeas—23

Mr. President	Daniel	Johnson (29th)	Reuter
Arnold	Ducker	Knopke	Saunders
Bell	Gong	Lewis (43rd)	Saylor
Peterson	Graham	Plante	Ware
Brantley	Haverfield	Pope	Williams
Broxson	Hollahan	Poston	

## Nays—12

Barrow	Fincher	McClain	Weber
Childers	Lane	Scarborough	Weissenborn
Deeb	Lewis (33rd)	Trask	Wilson

Senator de la Parte was recorded present.

The motion by Senator Barrow that CS for SB 629 be re-committed to an appropriate committee failed by the following vote:

## Yeas—14

Arnold	Bishop	Lane	Trask
Barrow	Peterson	Lewis (33rd)	Weber
Beaufort	Brantley	Scarborough	
Bell	Deeb	Stolzenburg	

## Nays—26

Mr. President	Gong	Knopke	Saunders
Broxson	Graham	Lewis (43rd)	Saylor
Childers	Haverfield	McClain	Weissenborn
Daniel	Henderson	Myers	Williams
de la Parte	Hollahan	Plante	Wilson
Ducker	Johnson (34th)	Pope	
Fincher	Karl	Poston	

By unanimous consent Senator Gunter was recorded as voting nay.

On motion by Senator Hollahan, the rules were waived and time of adjournment was extended until final action on amendment 2.

Senator Wilson moved that the rules be waived and time of adjournment be extended until final action on CS for SB 629. The motion failed to receive the necessary two-thirds vote for adoption. The vote was:

## Yeas—23

Broxson	Gunter	Lewis (43rd)	Saylor
Daniel	Haverfield	Myers	Stolzenburg
de la Parte	Henderson	Plante	Weissenborn
Ducker	Hollahan	Pope	Williams
Gong	Karl	Poston	Wilson
Graham	Knopke	Saunders	

## Nays—19

Arnold	Brantley	Johnson (34th)	Scarborough
Barrow	Childers	Lane	Trask
Beaufort	Deeb	Lewis (33rd)	Ware
Bell	Fincher	McClain	Weber
Peterson	Johnson (29th)	Reuter	

Amendment 2 was adopted by the following vote:

## Yeas—27

Mr. President	Gunter	Lewis (43rd)	Saylor
Daniel	Haverfield	McClain	Scarborough
de la Parte	Henderson	Plante	Ware
Ducker	Hollahan	Pope	Weissenborn
Fincher	Johnson (34th)	Poston	Williams
Gong	Karl	Reuter	Wilson
Graham	Knopke	Saunders	

## Nays—16

Arnold	Bishop	Childers	Lewis (33rd)
Barrow	Peterson	Deeb	Stolzenburg
Beaufort	Brantley	Johnson (29th)	Trask
Bell	Broxson	Lane	Weber

By unanimous consent Senator Myers was recorded as voting yea.

Senators Graham and Williams offered the following amendment which was moved by Senator Williams:

Amendment 3—Section 4, subsection (3)(b) strike subsection (3)(b) and insert: (b) Work by any utility for the purpose of inspecting, repairing, renewing or constructing on established rights of way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks or the like.

On motion by Senator Poston, the rules were waived and the Committee on Transportation was granted permission to consider HB 3728 on March 28.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 4:35 p.m. to reconvene at 8:30 a.m., March 28, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 10:00 a.m., March 28, 1972.